HISTORY AND ORGANIZATION OF CRIMINAL STATISTICS IN THE UNITED STATES

A THESIS

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL OF CORNELL UNIVERSITY FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

BY

LOUIS NEWTON ROBINSON

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TO

ANDREW D. WHITE

NOTE

THOUGH a flood of articles on special phases of the general problem of criminology have recently appeared in the United States in response to the demand on the part of the public for greater knowledge concerning this subject, the statistical side of the question has been, for one reason or another, very inadequately treated. In the hope of partly filling this gap in our knowledge, I began not long ago a statistical study of the increase in criminality in the United States. As the work progressed, I soon found that I could never hope to use the statistics intelligently without a thorough understanding of their history and organization. Since no complete study along this line had ever been made, I set to work on this new problem, relinquishing for the time being my original plan. The results of my labor are embodied in this book, which I hope will prove useful to all those who may feel inclined to subject to a statistical test some of the theories of the criminologists.

I wish to make acknowledgment here of certain changes suggested by Professor Walter

F. Willcox of Cornell which led to a recasting of the first chapter. I owe him, moreover, a debt of gratitude for teaching me to appreciate statistics and to understand some of their mysteries. My sincere thanks are also due to those other kindly and inspiring teachers under whom I prepared for the doctorate.

PREFACE

THIS series of books owes its existence to the generosity of Messrs. Hart, Schaffner, and Marx of Chicago, who have shown a special interest in directing the attention of American youth to the study of economic and commercial subjects, and in encouraging the systematic investigation of the problems which vitally affect the business world of to-day. For this purpose they have delegated to the undersigned Committee the task of selecting topics, making all announcements, and awarding prizes annually for those who wish to compete.

In the year ending June 1, 1910, the following topics were assigned:

1. The effect of labor unions on international trade.
2. The best means of raising the wages of the unskilled.
3. A comparison between the theory and the actual practice of protectionism in the United States.

4. A scheme for an ideal monetary system for the United States.
5. The true relation of the central government to trusts.
6. How much of J. S. Mill's economic system survives?
7. A central bank as a factor in a financial crisis.

Any other topic which has received the approval of the Committee.

The present volume was awarded *Honorable Mention.*

PROFESSOR J. LAURENCE LAUGHLIN,
University of Chicago, Chairman.
PROFESSOR J. B. CLARK,
Columbia University.
PROFESSOR HENRY C. ADAMS,
University of Michigan.
HORACE WHITE, ESQ.,
New York City.
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Harvard University.

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HISTORY AND ORGANIZATION OF CRIMINAL STATISTICS IN THE UNITED STATES

CHAPTER I

INTRODUCTION

THE subject of this work is the history and organization of criminal statistics in the United States. The aim is not merely to present the main lines of development, but to interpret and criticise the facts. It is hoped that such a study will contribute something to the further development of criminal statistics in the United States.

In this country the statistical side of criminology is very imperfectly developed, and while the same cannot be said with equal force of other English-speaking countries, it yet remains true that the statistical terminology of this social science is characterized, so far as the English language is concerned, by great vagueness and uncertainty. Whenever such a state of affairs exists, a primary requisite of sound discussion is to define carefully the sense in which the terms are to be understood. So at the start I must define and dis-

tinguish crime, criminal, judicial statistics, prison statistics, statistics of crimes, statistics of criminals, and criminal statistics.

The definitions of a crime given in the text-books on criminal law differ in some particulars, but the thought in them all seems to be that a crime is an act or an omission which permits of the following characterization:[1] it harms the general public (it may at the same time harm an individual) and the state as the representative of the general public, taking cognizance of it, would, if the suspected perpetrator could be produced, appear at the bar to demand justice in the form of a penalty, and would also have the sole power to stay proceedings at any point.[2]

[1] A good discussion of what constitutes a crime is given by Courtney Stanhope Kenny, *Outlines of Criminal Law*, 1902, pp. 1–25. For definitions of crime, consult: Clark and Marshall's *Treatise on the Law of Crimes*, 2d edition, 1905, ch. i, sec. 1, p. 1; Bishop's *New Criminal Law*, vol. i, ch. iii, sec. 32, p. 14; McClain's *Treatise on the Criminal Law*, 1897, vol. i, part i, ch. i, sec. 4, pp. 15–16; May's *Law of Crimes*, 3d edition, 1905, sec. 1. p. 1.

[2] The word crime is also frequently used by the public in a non-legal sense to designate the number of crimes committed within certain geographical limits, or perhaps the number of criminals suspected or detected, or even the general state of public morals. When used thus, the word seldom conveys an exact meaning and generally needs further elucidation and explanation. It seems to me that the word crime should be used only to characterize the act, and that the word criminality ought to be employed in all instances where the state of being criminal is meant. The common phrase "increase of crime"

In a broad sense a criminal is one who has committed such an act or is guilty of such an omission. But since many crimes are never known nor the perpetrators of known crimes so deeply branded by the mark of Cain that all may recognize them, the statistician counts as criminals only those whom the courts of law have so adjudged. From the statistical point of view, then, a man simply held for trial is not a criminal, and cannot be so listed until the law has spoken its final word.

Judicial Statistics are statistics wherein the unit is some fact regarding the judicial system or the administration of justice. It may be a court, a judge, a case, a crime, a criminal, an arrest or any other of the numerous facts pertaining to the judicial system or the administration of justice which can be measured quantitatively.

Prison Statistics differ from Judicial Statistics in that the unit is some fact regarding the penal system or the administration of this system. The unit may be a keeper, a jail, a penitentiary, a cell, a crime, a prisoner, or, as in the case of judicial statistics, any fact of the penal system or its administration which can be measured quantitatively.

should be replaced by the phrase "increase of criminality." There is a clear distinction in the meaning of these two words, and vagueness and confusion can be best avoided by using them with their rightful significance.

Statistics of Crimes are statistics wherein the unit is a crime, no reference being made to the agent. If these statistics are found among Judicial Statistics or compiled from the court records, they are Judicial Statistics of Crimes; if they are found among Prison Statistics or compiled from the prison records they are Prison Statistics of Crimes.

Statistics of Criminals are statistics wherein the unit is a criminal, no reference being made to his crime or crimes. As in the case of Statistics of Crimes and depending on the same reason, they also may be either Judicial Statistics of Criminals or Prison Statistics of Criminals.

Criminal Statistics are statistics wherein two units are employed — crime and criminal — and wherein there is a correlation between the two units. They, like the Statistics of Crimes and the Statistics of Criminals, may be either Judicial or Prison.[1]

As has been explained in the preceding paragraphs, there are two great groups of statistics which furnish important data re-

[1] The best definition of Criminal Statistics that I have seen is that given by H. von Scheel in his article, "Kriminal Statistik," in Conrad's *Handwörterbuch der Staatswissenschaften*, Dritte Auflage, Band vi, pp. 246–247. The Rev. Douglass Morrison in the *Journal of the Royal Statistical Society* for March, 1907, pp. 1–24, gives many good hints on a definition in his article, "The Interpretation of Criminal Statistics."

garding criminality. These are Judicial Statistics and Prison Statistics. In each group are three main sub-groups, Statistics of Crimes, Statistics of Criminals, and Criminal Statistics. It is now necessary to analyze these terms more fully in order that the nature and meaning of these various kinds of statistics may be clearly apparent.

Statistics of Crimes possess a marked defect — they fail to indicate the "penchant au crime," as Quetelet calls it, in the community. One man might have committed several crimes, or several men might have combined to commit one crime; for this reason the usefulness of such statistics is limited, and since through those who commit crimes must be traced and sought the causes which lead to crimes and the measures needed for their repression, these statistics will never satisfy the student of social conditions.

Statistics of Criminals serve to give some idea of the criminal instinct and are useful for administrative purposes. On the other hand, the need of knowing the number and the nature of the crimes of which they have been adjudged guilty is very great, for without this knowledge no idea of the true character of the criminals can be had.

Criminal Statistics, which combine the essential features of Statistics of Crimes and

Statistics of Criminals, that is, statistics wherein the two units — crime and criminal — are correlated, are the only statistics which are at all adequate as a guide in the study of criminality. One must know not merely the crime or the criminal, but both. A chapter could be written on the subject alone of correlation of the two units employed in criminal statistics, but as it is not my purpose to treat of the theory of criminal statistics any more than is necessary to an understanding of the work in the United States, this question will be passed over with the brief remark that all criminals should at least be listed with their principal crime, if they are guilty of more than one, and that the surplus of crimes should in addition be recorded.[1]

It will be remembered that these three kinds of statistics may be either Judicial or Prison, depending on whether they are found among Judicial Statistics or Prison Statistics — the two great groups of statistics which include these three sub-groups as well as others not related except very indirectly to

[1] For a good exposition of this feature, see "Influence du choix de l'unité sur les résultats de la statistique criminelle," by M. Ch. de Lannoy in the *Bulletin de l'Institut International de Statistique* (Budapest, 1903), tome xiii, pp. 325–333; also "Rapport sur la Statistique de la Criminalité," by E. Cheysson (de l'Institut), in the *Revue Pénitentiaire*, vol. xxvii (1903), pp. 1116–1125.

the study of criminality. I shall now attempt to point out that the real difference between a sub-group under Judicial Statistics and a corresponding sub-group under Prison Statistics is one of inclusiveness.

It is perfectly clear, I think, that no state, however well equipped it may be for gathering such knowledge, can ever know or even suspect all the crimes that are committed against her ward — the general public. Some crimes are known only to the men who commit them; some are known, it may be, to other men who for one reason or another do not care to make their knowledge public. The crimes that are most apt to be called to the attention of the state are those that not only injure the general public, but at the same time also injure some individual.

As it is with crimes, so it is with criminals — the state does not pretend to know of all. Certainly a state can have no knowledge of those criminals whose crimes it does not even know, and often it cannot identify in the least those who have committed the crimes of which it is aware. Hence none of the statistics can lay claim to include all the facts. Of the two, the sub-groups of Judicial Statistics are far more complete than are those of Prison Statistics. The explanation is simple. The prison records relate only to individuals who

have been placed in confinement within the institutions. Consequently they take no account of individuals who have paid fines as punishment, and of course the crimes of which no individuals are proven guilty find no place in such records. All statistics compiled from these records, whether they be Statistics of Crimes, Statistics of Criminals, or Criminal Statistics, will thus of necessity fail to include data obtainable from the records of the courts.

So far as crimes and criminals are concerned, this matter of inclusiveness is, in my opinion, the sole distinction between the two main groups of Judicial and Prison Statistics.

Up to this point I have assumed that the crimes to be enumerated are acts or omissions stamped as crimes by final official action, that is, by the trial of the accused, and that the criminals likewise are only those deemed so by the final verdict of the courts. It remains, therefore, to speak of certain other statistics concerning which there is little obscurity as to what they actually are. Statistics of Arrest are, of course, a sub-group of Judicial Statistics, since the unit or units is some fact or facts regarding the administration of justice. These statistics may include a statement of the number of individuals arrested or this fact plus the crime or crimes for which arrested. It is to be noted here that one is deal-

ing not with criminals but merely with suspected criminals, and that the crime is not well defined. Statistics of Commitments, if Judicial, refer to those who have been committed to bail or to jail; if Prison, they refer only to the latter. Statistics of Indictments are necessarily Judicial Statistics and show the results of another step in the judicial procedure. Both the individual and the crime or crimes have by this time been somewhat more clearly indicated, but the indefiniteness which still clings to both renders such statistics of doubtful value.[1]

It is needless to say that these statistics all relate to a period of time and not to a point of time. The confusion which has existed on this point in regard to the criminal statistics collected by the federal government will be cleared up in a later chapter.

The influence of the state upon the nature of the criminal statistics is also a factor always to be considered. From what has already been said, it is evident that no matter at what

[1] For a somewhat similar discussion in German, see "Zur Einführung in die Kriminalstatistik, insbesondere diejenige des deutschen Reichs," by H. von Scheel in *Allgemeines Statistisches Archiv* for 1890, pp. 184–211.

An interesting study of the probability of conviction and its relation to criminal statistics is the article of Bela Földes in the *Bulletin de l'Institut International de Statistique* (Copenhagen, 1908), tome xvii, pp. 378–394, entitled "Les bases mathématique et statistique de la condamnabilité."

time the statistics are gathered the size and number of the fish caught by the net thus spread will vary greatly with the kind of laws prevailing in the country and with their enforcement at the hands of the officers. An interesting example of this is furnished by the records of the courts and prisons of Massachusetts. During the last thirty years, several changes have been made in the liquor laws; and the enforcement of the laws, from the evidence at hand, seems not to have been uniformly strict. Now as a result of these two circumstances, the records of the courts and prisons referring to offenders against the liquor laws are such that it would appear to the casual observer that during certain years drunkenness was a disorder common to all and that during other years strong drink produced but little effect on the people of this state. Comparisons, then, of the criminal statistics of two different periods in the history of a state are a matter requiring the utmost care and insight. Likewise, comparisons of the criminal statistics of states having different laws or enforcing them differently are extremely difficult, if not impossible.

The form of the state complicates the question still further. If the state is unitary it is apt to have uniform codes of laws applying equally to all parts of the country, as in France

and in England. If, however, the state is federal, it may have uniform codes or again it may not, depending somewhat upon the extent to which centralization has developed. Germany, for example, has uniform civil and criminal codes, but the states of the United States have each its own set of laws. The compilation, therefore, of criminal statistics for the United States as a whole is a more difficult task than it is for France or England or Germany.

Having defined the important terms and having pointed out the elementary principles relating to their collection, it remains to speak of the plan of this book. Fortunately, the nature of the subject makes a simple plan possible. I shall take up first the criminal statistics collected by the federal government, then those collected by the states, and lastly I shall attempt to outline a scheme for the organization of criminal statistics in the United States which my study has led me to believe would be not only better than the existing organization, but also feasible and more in line with the present trend of statistical organization in the United States.

CHAPTER II

FEDERAL CRIMINAL STATISTICS — ORIGIN AND GROWTH

FEDERAL criminal statistics begin with the census of 1880. But statistics, called in the census volumes "statistics of crime," were collected at the censuses of 1850, 1860, and 1870, which, though they were statistics of criminals only and not true criminal statistics,[1] were yet, as it proved, the embryonic form of the statistics of 1880. Thus with the statistics of criminals collected at the census of 1850 the history of federal criminal statistics may properly begin.

One of the sections[2] of the act of May 23, 1850, was that, in the event of no further legislation, the provisions there laid down were to govern the taking of any subsequent censuses. This law sufficed for the censuses of 1850, 1860, and 1870. Consequently, the organization of these three censuses was the

[1] I am judging from the actual published reports. The instructions in 1860 to the assistant marshals were such as to make possible criminal statistics, but the facts if gathered were not utilized.

[2] Section 23, "General Act providing for the Census of 1850 and for every subsequent Census." Given in *Statistics of United States, 1850*, pp. xix–xxi.

same.[1] The task of carrying out the provisions of the act was given to the Secretary of the Interior, who was authorized to appoint a superintending clerk, known as the Superintendent of the Census. The actual collection of the statistics was performed by the United States marshals. They divided their districts and appointed assistant marshals to do the collecting in each division thus created. These made their reports to the marshal, who in turn reported to the Secretary of the Interior. The Superintendent of the Census, with the aid of a clerical force at his disposal, compiled, analyzed, and published the statistics and when all was finished, or as much as Congress saw fit to have finished, resigned his office, and the census office was then disbanded. Such in brief was the organization under which statistics of criminals, along with other statistics, were gathered and presented to the public under the censuses of 1850, 1860, and 1870.

The inclusion of inquiries regarding criminals in the schedules of the seventh census was due, it seems, to Mr. Shattuck, one of the experts whom the census board in preparing its

[1] See Carroll D. Wright and William C. Hunt, *History and Growth of the United States Census*, pp. 39–58, also law mentioned above, and *Annals of the American Academy of Political and Social Science*, vol. xii (1898), pp. 358–386.

plans called into consultation.[1] Two schedules of this census bore on criminals. One of the questions asked on the population schedule for free inhabitants was "whether deaf and dumb, blind, insane, idiotic, pauper, or *convict.*"[2] On the schedule for social statistics, four questions were asked: first, as to the number convicted of crime during the year ending June 1, 1850; second, as to the number of those in prison on June 1, 1850; third, as to nativity; and fourth, as to color of the native born.[2] That the questions regarding criminals on these two schedules were ever designed to supplement each other I do not believe. More likely the word convict was added to the question on the first schedule simply through force of association of ideas.

To understand what people would be labeled as convicts by the assistant marshals in filling out the first schedule, a knowledge of the instructions sent out to them is necessary.[3] According to the definition, the inmates of a jail, a penitentiary, or a similar

[1] "He [Mr. Shattuck] drew up the mortality schedule by request, though against his own advice, and also furnished the schedule of social statistics and that in part of slaves." Introductory remarks of J. D. B. DeBow to the *Compendium of the United States Census of 1850*, p. 13.

[2] See the census volume for 1850, p. xii, where schedules are given.

[3] To be found *ibid.* pp. xxi–xxv; also found in pamphlet form.

institution would constitute a family, and, since all families were to be visited by the assistant marshals, it may be supposed that those found in these institutions would be thus characterized. But this is not all. Instructions were given that "when persons who had been convicted of crime within the year resided in families on the 1st of June, the fact should be stated, as in the other cases of criminals." Since it was felt that this interrogatory might give offence, the assistant marshals were advised to obtain this information from the county record. This question, it will be remembered, was on the population schedule for free inhabitants, and thus the general characteristics of sex, age, color, etc., applying to all inhabitants would be recorded of all who were termed convicts. Since the question was not asked on the population schedule for slaves, only those found in the penal or correctional institutions would be enumerated as convicts, and not those found in private families as would be the case of free inhabitants.[1]

In the collection of the information called for by the schedule of social statistics, public records and reports and town, county, and

[1] It is a curious fact that the instructions called for a return of the crime for slaves found in prison, but not for the crime in the case of free inhabitants. *Pamphlet of Instructions* for 1850, p. 18.

state offices were to be looked upon as the chief sources of information. No definite method of procedure was laid down, and it is to be feared that very untrustworthy sources were quite generally consulted.[1]

Though, as already stated, the censuses of 1860 and 1870 were taken in accordance with the provisions of the act of 1850, yet a few changes were made in the schedules of inquiry and in the instructions sent out to the marshals and assistant marshals. The number of questions on the population schedule for 1860 was increased, a circumstance which *ipso facto* would increase the number of facts to be recorded concerning criminals. From the population schedule of 1870 the question as to whether the individual was a convict was omitted, but this, of course, did not mean that the population schedule no longer related to criminals.[2] All institutions were to be visited

[1] In the *Forum*, vol. xxix (1900), p. 399, Roland P. Falkner relates the following, which has to do with the collection of these statistics in 1870: "A census enumerator rushed into the office of one of our State Boards of Charities and Corrections to inquire how many prisoners there were in that state. On being informed that the office did not have the exact information he replied that there was nothing left for him to do but to guess the number; and the figure which he evolved from his inner consciousness became the record of the prisoners of the state."

[2] In the *History and Growth of the United States Census* it is stated (p. 55) that "the inquiries under 'pauperism and

and the name on the schedule would indicate whether penal or otherwise. The instructions issued in 1860 were much more detailed than those of 1850, and called for a statement of the crime for which confined. In 1870, the instructions relating to that part of the work which concerns us were very brief. In the collection of the social statistics a slight change was made. The marshal could appoint a deputy marshal to take charge of this particular work for the entire district or state.

No great amount of time was spent on the compilation of the statistics of criminals for these three censuses, and the published facts were so brief that even the whereabouts of those for 1850 and 1860 seem not to be generally known. The figures for 1850 are to be found in the *Compendium of the United States Census* for 1850, pp. 165–168, where they first appeared. Both the population schedules[1] and the schedules for social statistics were used in making up the tables as well as a

crime' as to the number of native paupers and criminals on June 1, respectively, were extended to distinguish native whites and native blacks." This must be a mistake, as this inquiry was on the schedule of 1850.

[1] Mr. Falkner is partly mistaken when he says (*Pub. of American Economic Association* "Federal Census Essays," p. 171) that the facts regarding criminals on the population schedules were not tabulated. Those for 1850 were.

prison society report and a report made by the Secretary of State in 1845. The totals used for purposes of comparison in subsequent reports are those obtainable from the table made up from the schedules of social statistics. In 1860, even less attention seems to have been paid to them. So far as I am aware, the only reference to them in the volumes of the census for 1860 is that found on page 512 of the volume called *Mortality and Miscellaneous Statistics*. Though positive evidence is lacking, I am inclined to think that the table there given was made from the schedules of social statistics. The statistics of criminals collected at the census of 1870 appear in the volume, *Population and Social Statistics*, page 568, and again in the *Compendium* of this census on page 531. Accompanying these there is a brief discussion of their meaning and limitations.

Prior to the taking of the tenth census, a complete change in organization took place. The appointment of the superintendent was placed in the hands of the President; the work of supervising the enumeration was taken from the marshals and given to special officers under the direct management of the superintendent; and the actual enumerating was entrusted to a set of men who were subject to the special officers mentioned above. The

great change, however, which influenced directly the criminal statistics of this census was the appointment of experts to take charge of the various subjects included in the Social Statistics.[1] Mr. Frederick H. Wines was secured for that division of the Social Statistics which related to "pauperism and crime," and to him must be given the credit for enlarging the scope of these particular statistics.

The plan determined upon by Mr. Wines was to enter all prisoners on the regular population schedule and then to supplement the information thus gained by the use of a second schedule especially designed for the requirements of this class. Not content with these inquiries pertaining to the prison population, he sought for the additional knowledge concerning criminality to be gained from judicial records. Abstracts of the court dockets and of the justices' returns, together with detailed reports from police departments, were required. The supplemental schedule contained something like nineteen inquiries and the special blanks for judicial records about one hundred and thirty-nine items.[2]

[1] In the instructions sent out to the enumerators, it is stated that Schedule 4 — Social Statistics — was withdrawn entirely from their hands. This is only partly true, since the regular enumerators obtained the information called for by the supplemental schedules, which were really a part of the Social Statistics.

[2] See *History and Growth of the United States Census*, p. 97.

The information called for by the population and supplemental schedules was collected by the regular enumerators who received additional pay for filling out the supplemental schedule.[1] The police departments seem to have filled out their own schedules, but whether special enumerators were obtained to secure the information on the two remaining judicial schedules I do not know. The omission of the word convict on the population schedule of this census, as in 1870, and the lack of instructions on this point make it clear that the statistics of prisoners would not include those who had been in prison but were then residing in private families.

As I stated in the first part of the chapter, federal criminal statistics began with the census of 1880. The schedules just referred to contain inquiries regarding the nature of the crime, and the volume of the census which relates to these statistics, including, as it does, the results of these inquiries as well as a record of the criminals, makes applicable to these figures the designation criminal statistics.

These statistics are to be found in the *Compendium* of the census and in Volume XXI which pertains to the defective, the depend-

[1] See *Compendium* for 1880, p. 1661, and *Census* for 1880, vol. xxi, p. x.

ent, and the delinquent classes. The tables in the *Compendium* relate only to prisoners in confinement on June 1, while those in Volume XXI include, in addition to these, tables referring to those reported to have been sentenced to imprisonment during the preceding year and to police statistics. Little attention was paid to the compilation and analysis of the judicial criminal statistics. Owing to the closing of the census office, Mr. Wines was not able to accomplish as much as he had planned,[1] and this fact probably accounts for the meagre tables derived from judicial sources.

The act of March 1, 1889, provided for the same general organization of the work as did the act under which the census of 1880 was taken. Minor changes were, of course, introduced, but these did not alter the general scheme of organization. Mr. Frederick H. Wines was again placed in charge of the criminal statistics, and undertook their collection, compilation, and analysis.

As in 1880, each individual belonging to the criminal class was to be entered first upon the regular population schedule and then upon a supplemental schedule. The only additional source of information utilized at this census was the reports from police stations and lock-ups, other judicial reports being omitted. The

[1] See *Census* of 1880, vol. xxi, pp. v and xlvi.

number of distinct inquiries on the supplemental schedule of 1890 was thirty-two, and the number on the blank for police returns thirty-seven.[1]

On the population schedule for 1890, the question was asked whether the individual enumerated was a prisoner or a convict. This seems to be a return to the policy of 1850 and 1860, but the instructions to the enumerators lead me to believe that this question pertained to those found in institutions only.

The published results of the investigation of Mr. Wines are contained in two volumes. Pages 123–263 of the volume called *Crime, Pauperism, and Benevolence* and pages 161–207 of the *Compendium of the Eleventh Census* relate to the criminal statistics. A discussion of all the classes of which Mr. Wines had charge is found on pages 7–120 of the volume first mentioned.

No attempt seems to have been made to obtain any results from the police returns; and, as the schedules — both population and supplemental — referred to the *de facto* population of the penal and correctional institutions on June 1, 1890, no records of convictions or commitments for the preceding year were secured.

[1] Taken from *History and Growth of the United States Census*, pp. 97–98.

By the provisions of the act of March 3, 1899, which provided for the census of 1900, certain changes were brought about in the organization of the work. The office staff was increased and the director of the census, formerly known as the superintendent, was given greater power in the direction and control of the work. But the most important change, and the one which directly affected the subject under consideration, was the limiting of the work of the decennial enumeration to the four inquiries relating to population, mortality, agriculture, and manufactures. Provision was made, however, for the collection of statistics on various special subjects after the completion of the decennial work, and among these special subjects was that of criminality. Consequently the investigations in this field did not start until three years after the general enumeration.[1]

During the intervening period the census office was made permanent and was transferred from the Department of the Interior to that of Commerce and Labor. Mr. Roland P. Falkner was employed as an expert special agent to take charge of the work, and the plan and the scope of the inquiry were de-

[1] For a description of the work of this investigation see the introduction to the special report, *Prisoners and Juvenile Delinquents, 1904*, published in 1907.

termined by him. Mr. Falkner soon resigned and the work was then turned over to Mr. John Koren, who is responsible for the treatment and analysis of the statistics secured.

Three schedules were used in the investigation, one relating to the commitments to penal institutions during the calendar year 1904, one to persons found in prison June 30, 1904, and one designed to show the movements of the prison population during the year. By far the greatest emphasis was laid upon the schedule of commitments,[1] the desire being to do away with the mistaken policy of basing all knowledge of criminality in the United States upon the record of those found in prison on a certain day of the year. No success was had with the third schedule and the returns were not published. The results of the other schedules appeared in 1907 as a special report of the Bureau of the Census which bears the title *Prisoners and Juvenile Delinquents.*

Increasing interest in criminal statistics is responsible for another investigation on the part of the federal government, the results of which have not yet appeared. Most foreign governments have for many years collected

[1] Mr. Koren in his introduction to the volume, *Prisoners and Juvenile Delinquents*, makes a mistake in asserting that statistics of commitments were never before gathered. Compare his opening sentence with what is said in this chapter concerning the censuses of 1850 and 1860.

judicial criminal statistics, and the neglect of the United States government to provide for such collection has long been a source of regret to many persons interested in social questions. In 1906, the Bureau of the Census was authorized to collect such statistics and took up the work in 1907. According to the plan adopted the investigation is limited to certain states and counties, and the collection is made by special agents and clerks detailed from the regular office force. These are sent into the counties selected, and copies of the criminal dockets of the courts are made by them. The reports are to cover all cases for the calendar year 1906. While the previous attempts of the federal government to collect judicial criminal statistics have all met with failure, the chances of success of the present one seem to be extremely good. The present efficient organization of the census bureau argues well for satisfactory results.

This brief history of the federal criminal statistics may be summarized as follows: They date from the census of 1880, though their origin may be traced back to the census of 1850 when statistics of criminals were first collected. With few exceptions they are prison criminal statistics, and relate either to those found in prison on a certain day of the year or to those committed during the year preced-

ing the census inquiries. In all cases, they were collected and published through the agency of the census office, or Bureau of the Census, as it is now called; and, omitting the investigations of 1904 and 1906, the collection of statistics was made at the time of the general enumeration of the population and by the regular enumerators.[1]

[1] While the statistics which have just been considered are, so far as I am aware, the only federal statistics that comprehend the country as a whole, some mention should be made of the judicial and prison criminal statistics which are to be found in the reports of the Attorney General of the United States. As is to be supposed, these relate to crimes tried in the federal courts and to United States prisoners.

By the Act of June 20, 1872 (R. S. U. S. sec. 384), the Attorney General was required to made a report to Congress of the business of the Department of Justice for the preceding fiscal year. This report was to include "statistics of crime" and other information of a statistical nature. Considering the fact that they are collected chiefly for administrative purposes, they are well arranged. In the case of the prison criminal statistics, the error of focusing the attention on the number confined in the prisons on a certain day of the year was not made.

CHAPTER III

FEDERAL CRIMINAL STATISTICS (*continued*) — ESSENTIAL NATURE AND MEANING

In the previous chapter it was shown that, despite the attempts from time to time to obtain judicial criminal statistics, the reports of the census office which have up to this time been issued are devoted almost exclusively to prison criminal statistics.[1] Emphasis was also laid upon the fact that these statistics, not counting those in the second part of the recent report for the year 1904, relate only to the prisoners found in prison on a certain day of the year. Now this last feature needs explanation. It is one that affects the whole nature and meaning of these statistics and one that has caused them to be grossly misunderstood.

The purpose of criminal statistics is twofold: (1) that one may judge of the nature and extent of criminality in a given geographical area, and (2) that one may determine the transformation, if any, which is occurring in

[1] The unimportant exceptions are as follows: The reports for 1850, 1860, and 1870 contain tables showing the number of people convicted during the year preceding the day of enumeration. Crimes are not given. The report for 1880 gives the number of those sentenced to imprisonment and some police statistics.

these two phases. The results, when known, may give direction to many movements of one kind or another, but the purpose of the statistics is to furnish these two sets of data. Their application is another question.

Opinion may differ in regard to the kind and number of facts which criminal statistics must be able to yield in order thoroughly to fulfil this twofold purpose.[1] Much might be said on this question, but such a discussion, though interesting in itself, would be apart from the aim of this chapter, which is to explain the nature and meaning of the federal criminal statistics, by a critical analysis of their distinctive and peculiar features. For this particular task, the marrow of a theoretical discussion of criminal statistics is what, for want of a better term, I have called the time element.

Some statistics speak for a point of time, others for a period of time. A census of population is a good example of the first. Here the question is, how many people are there in the country, and the answer is, on such a day of

[1] To constitute criminal statistics, they must, at least, contain information regarding criminals and crimes. For a discussion of the questions which it would be best to ask in collecting criminal statistics, see "Zur Einführung in die Kriminalstatistik, insbesondere diejenige des deutschen Reichs," by H. von Scheel in *Allgemeines Statisches Archiv* for 1890, pp. 200–203.

the year there were so many counted.[1] Ridiculous as it must seem to those having any knowledge of the nature of criminal statistics, it is nevertheless true that to many the federal criminal statistics seem analogous to population statistics and appear to speak for a point of time. It is, therefore, well to understand what would be their nature if they spoke for a point of time. Either they would be an enumeration of all the crimes committed on the day in question and of the criminals who were responsible for them or they would be an enumeration of criminals plus the crimes, not of which they were guilty, but of those which were committed on the day mentioned, for as soon as one began to consider the crimes of which criminals were guilty he would most certainly be dealing with a period of time and not with a point of time.[2] Unlike the concept of population or of mortality, the concept of criminality has a two-fold essence — criminals and crimes — not one or the other.

Criminal statistics, however, belong to the second category, and are classed along with

[1] The United States is content to let the day stand for the point of time. Other countries, as Germany, are more exact, their point of time being twelve o'clock midnight.

[2] In reality a day is a period of time and not a point of time. But for the purpose of the discussion I have thought it best to treat it as a point of time.

mortality statistics, statistics of births, divorce statistics, etc. They all speak for a period of time. The length of this period is governed by many circumstances. It may be that the machinery for collecting the statistics is adjusted to some particular length of time. Perhaps they are collected chiefly for administrative purposes and, if so, the length of the span will vary with the organization of the work to be done. On the other hand, if their collection is governed by those interested mainly in the sociological results the span of time will be such as will make possible a correlation of the facts gathered with other known facts of the social world.[1] The wellnigh universal custom of foreign nations is to make the year the unit of time. In a continuous series the span of time must always be the same or, at least, reducible to the same. Comparisons, otherwise, would be impossible, for statistical comparisons are always comparisons of number, and it is but natural to suppose that the longer the span of time the greater would be the number of events to be recorded.

[1] As an example of such correlation, see the article by Ferdinand Fönnies in *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reich*, Zweites Heft, pp. 271–292, 1909, entitled "Eine neue Methode der Vergleichung statistischer Reihen (im Anschluss an Mitteilungen über kriminalstatistischen Forschungen").

If statistics do not belong to the class first mentioned, that is, if they do not speak for a point of time, but for a period of time, it is absolutely necessary to know for what period of time they do speak. If confusion exists here, the statistics are worthless. The chief peculiarity of the federal criminal statistics lies in this very fact that they do not speak for a point of time but for a period of time, and that the period for which they speak as a whole is bounded by no clear limits. This is due to the fact that there is a horizontal grouping of the statistics themselves, each group having its own individual period of time different as to length from all the rest. The failure to recognize this circumstance in the compilation and in the discussion offered to the public has resulted in spreading broadcast much information of a doubtful character.

That part of the report for 1904 which is similar to the previous ones furnishes material with which to uphold the two contentions: (1) that the statistics do not speak for a point of time, and (2) that the period for which they do speak is indefinite. In this report the following figures relating to those found in prison on June 1, 1904, under sentence for the crime of burglary are given:[1]

[1] See pp. 108–109.

Life	92	1½ years	297
Indeterminate period	3146	2 years	1492
Under 1 month	19	2½ years	278
1 month	20	3 years	1402
2 months	21	4 years	901
3 months	45	5 years	1983
4 months	17	6 years	466
5 months	7	7 years	532
6 months	165	8 years	312
7 months	1	9 years	112
8 months	25	10–14 years	1188
9 months	45	15–19 years	344
10 months	35	20 years	128
11 months	37	21 years and over	110
1 year	794	Period not stated	34
		Total,	14,048

The federal criminal statistics, of which an example is given above, relate to criminals found in confinement on June 1, 1904, and to the crimes of which they were guilty, but these crimes were not committed on that day but at some time in the past. They therefore do not speak for a point of time and must not be so understood.

Taking up the second contention that the total period is indefinite, a glance at the figures here given reveals that there were, omitting as too indefinite for discussion the figures of those committed for life, an indeterminate period, and for a term not stated, actually twenty-seven different time periods

used, and of these four — those for varying lengths of time — are not clearly defined. The table, it is seen, states for example that there were found in confinement 112 under a sentence of nine years, and, therefore, since all would be found in prison who had during the last nine years been committed with a sentence of nine years, the time unit for this particular grade of burglary would be exactly nine years. Likewise, the time unit for that grade of burglary for which eight-year sentences were imposed, and for which 312 were found confined, would be eight years. The time unit for the various grades of the crime burglary would thus increase or diminish in length with the increase or diminution in the length of the sentence. Stated in other words, in collecting the statistics the general crime of burglary has been subdivided, as it were, according to grievousness of character into a number of classes, and each class examined separately by the state, the examinations differing in length of time for each class, and the longest being for the most grievous class. All this discussion applies, of course, equally well to the statistics of all the crimes in the catalogue.

Now the consequences growing out of this state of affairs are manifold and will be apparent when the usefulness of the statistics

is questioned. It will be remembered that one of the purposes of criminal statistics is to enable one to judge of the nature and extent of criminality. The only set of facts which can possibly form the basis for the answer to the above question are data which tell of the number of criminals and the kind and number of crimes committed in a given area within a definite time limit. Now the figures taken from the report for 1904 state that there were 14,048 persons found in prison on June 1, 1904, who had been sentenced for the crime of burglary. The period within which these crimes took place, is, however, not indicated. Now it is not enough to have given a statement of a number of various crimes and criminals. The finite mind must know the length of time within which these phenomena took place, otherwise it cannot come to any conclusion, since one of its basic principles of thought is missing. The fact is that, as has been shown, there is not one span of time within which these crimes took place but over twenty-seven, and by no means that I know of is it possible to reduce them to one unit of time, without which change one cannot obtain an idea of the nature and extent of criminality. If one should add 112, the number of those who were found in prison with a nine-year sentence, to 312, the number of those

who were found in prison with an eight-year sentence, he would have the sum of 424, that is, 424 persons were convicted of the crime of burglary and sentenced to serve a term of either eight or nine years within — is it nine years or eight years? The fact is that, though the process of addition has united the two groups of prisoners into one, it has not, nor can it, unite the two separate time units which are there involved. The two spans of time remain as distinct and separate as before, and "all the king's horses" cannot bring them together. Four hundred and twenty-four does not represent all who during the last nine years were committed on an eight or nine year sentence, for those who were committed on an eight-year sentence during the first of the nine-year series would by June 1, 1904, have served their time and been dismissed. Conversely, 424 represents more than the number of those who during the last eight years were committed to prison on an eight or nine year sentence, since it would also include a ninth-year contingent of those committed on a nine-year sentence. Similarly one can add together the various numbers of those who were committed on sentences ranging from an indeterminate period to a life term and obtain the sum of 14,048, but this process of addition has not united the numerous time units which are in-

volved. Fourteen thousand and forty-eight does not represent the number of those who were committed to prison during the last four score and ten years for the crime of burglary, nor does it represent the number of those who were committed during the last month. Since then no one time unit is given for the general classes of crimes known as burglary, murder, arson, etc., the nature and extent of criminality can only indirectly be known by studying each grade of the classes of crimes separately. Thus one could take those grades of all crimes for which a twenty-year sentence had been given and, since he would have a definite time unit of twenty years, make some sort of an analysis. In the same way, he would be forced to group together those grades of crime for which a nineteen-year sentence had been imposed, and analyze them for a nineteen-year period, the process having to be repeated as many times as there were time units, or, in other words, as there were sentences of different length. His results would be most peculiar on account of this horizontal grouping, but I believe that this method is the only one that borders on the principles of statistical analysis as applied to criminal statistics. This method offers, too, the only means of making them subserve the second of the chief purposes of criminal statistics. For example, a

comparison of certain rates of two periods is possible. For all crimes for which five-year sentences were given, rates could be obtained for the two five-year periods 1885–90 and 1899–1904, the rates being obtained by dividing the number of crimes of each period by the population of the middle year of that period and multiplying the quotient by one thousand or ten thousand as the circumstances seemed to render advisable.

These statistics have passed among the general public for much more than their true worth. In reality, they tell little or nothing of criminality in the United States.

CHAPTER IV

STATE CRIMINAL STATISTICS — JUDICIAL

AMERICA," says James Bryce, "is a Commonwealth of commonwealths, a Republic of republics, a State which, while one, is nevertheless composed of other states even more essential to its existence than it is to theirs."[1] This is the secret of our government, and whoever wishes to understand the history of statistical work in this country must keep it continually before his mind. The real power to collect criminal statistics lies not in the federal government but in the states. Hence it is not surprising that several of the states began this work at a very early period. Both judicial and prison criminal statistics are and have been collected by some of the states, though others have paid no attention to the collection of either.

On account of certain fundamental differences in organization, the history of state criminal statistics has been separated into two parts — judicial and prison criminal statistics. This chapter will be devoted to a consideration of the judicial criminal statis-

[1] *American Commonwealth* (edition of 1910), vol. i, ch. ii, p. 15.

tics while the following chapter will treat of prison criminal statistics.

The existence of state judicial criminal statistics seems to be a fact little known. In my search for material I found almost no reference to them, the prevailing opinion seeming to be that Massachusetts was the only state that collected such statistics.[1] Yet the history of these statistics in one state covers a period of eighty years, and at the present time twenty-five of the fifty states and territories that go to make up the Union are collecting either judicial criminal statistics or statistics of crimes.[2]

The first states to undertake such work were New York, Massachusetts, and Maine. The impulse leading to the collection may have come partly from abroad, for the studies in criminal statistics of Guerry and Quetelet appeared about the time that these states first turned their attention to the collection of such statistics.[3] The extension to other states

[1] See the Report of the Director of the Census to the Secretary of Commerce and Labor for 1905 recommending the compilation of judicial statistics.

[2] Since this chapter was written a report of a committee of the American Institute of Criminal Law and Criminology has appeared in the journal of this institute for September, 1910. In this report Mr. John Koren gives a brief history of the work of the individual states in the collection of judicial criminal statistics.

[3] Quetelet's *Recherches statistiques sur le Royaume de Pays-Bas* was published in 1829; his *Recherches sur le penchant au*

of the practice was no doubt due to two things. Many of the western states modeled their constitutions after that of New York, and this fact probably brought about a similarity in the statutes defining the duties of the officers. The second cause is, of course, to be found in the likeness of needs which would naturally beget like laws, especially since the states seem to have used each other in this particular as models.

In general the statistics are those derived from reports sent by the states' attorneys or clerks of criminal courts to some one of the state officers as attorney general, secretary of state or governor, and they usually appear in the reports made to the legislature by the officer in question. They are always for a definite time interval, a year or two years, depending somewhat on the time of meeting of the state legislature. In some cases there is a minute characterization of the court proceedings, while in others a brief summary is

crime aux différens âges was read in the session of July 9, 1831, of the Royal Academy of Brussels, and the first edition of his *Physique sociale, ou essai sur le développement des facultés de l'homme* came out in 1835. Note below the reference that is made to this last work in the history of judicial criminal statistics of New York on p. 47. Guerry's *Essai sur la statistique morale de la France* appeared in 1833. This was preceded by a small pamphlet on criminal statistics which was published in 1829. Von Mayr regards Guerry as the founder of Moral Statistics. See *Statistik und Gesellschaftslehre* (1895), vol. i, p. 185.

all that is given. The tabulation is quite generally very defective, many of the reports giving no summary of the facts for the state as a whole. But by far the gravest defect is the incompleteness of the returns, a circumstance which renders the statistics of many states of little value.

In the paragraphs which follow, I have attempted to present a brief history of the statistics for each state that collects them. I have not, however, differentiated sharply between criminal statistics and statistics of crimes. Indeed in some cases it would have been impossible to do so from the material at hand. But such a distinction ought certainly to be made in handling the statistics themselves. In the table summarizing the work of the states which follows at the end of this chapter and again in Chapter VI, the two kinds are grouped together under the one heading of Judicial Criminal Statistics. The sketches are in every instance founded on a study of the laws governing the collection and in nearly every case on the reports in which they appear.

Maine

In 1839, the legislature of this state passed a law requiring the county attorneys to report each year to the attorney general the amount and kind of

official business done by them, the number of persons prosecuted, the offenses for which such prosecutions were had, the results of the prosecutions and the punishments meted out.[1] By the same law, the attorney general was required to make out a similar report of his work and to present it, along with an abstract of the reports made to him by the county attorneys, to the governor and his council. The substance of this law was incorporated in all the revisions which followed.[2] Its provisions, however, have not always been complied with. For example, the attorney general seems not to have made a report during the period 1841–58, and at first the county attorneys failed to send to the attorney general the reports that were required of them. The arrangement in the reports of the attorney general of the statistics thus collected is such that a comprehensive view of the situation is not easily obtainable, the emphasis being laid on the conditions prevailing in the different counties.

The data which are available for a history

[1] *Law of 1839*, ch. 408.

[2] *Revision of 1840*, ch. 101, sec. 6; *Revision of 1840*, ch. 102, sec. 7; *Revision of 1857*, ch. 77, sec. 34; *Revision of 1857*, ch. 79, sec. 17; *Revision of 1871*, ch. 77, sec. 26; *Revision of 1871*, ch. 79, sec. 15; *Revision of 1883*, ch. 77, sec. 57; *Revision of 1883*, ch. 79, sec. 19; *Revision of 1903*, ch. 79, sec. 64.

of the judicial criminal statistics for this state are very incomplete. In the *Revised Statutes* of 1901, there is a provision requiring certain county officers, among whom are mentioned solicitors, to make up reports and to send them to the secretary of state to be bound.[1] The reports of the solicitors were to include full statistics of crimes and misdemeanors. I have not been able to secure the bound copies, and am therefore unable to speak of their contents.

New Hampshire

In 1832,[2] it was made the duty of the attorney general to present to the legislature a report concerning the suits and prosecutions which he attended, the report to include an abstract of the reports made to him by the district attorneys.[3] These reports were made to the legislature each year until 1843, when the office of attorney general was abolished.[4] The attorneys were then required to make their report to the secretary of the commonwealth, who was to present to the legislature an abstract of the same. In 1849, the office of

Massachusetts

[1] *Revised Statutes of 1901*, ch. 17, secs. 5 and 8.

[2] *Law of 1832*, ch. 130, secs. 8 and 9.

[3] Some time previous to this the legislature ordered returns to be collected for the period 1826–30. See *Report of 1833*, p. 10.

[4] *Law of 1843*, ch. 99.

attorney general was reëstablished, and his former duty of making reports was taken from the secretary of the commonwealth and given back to him.[1] He continued to make these reports showing the results of his own work and that of the district attorneys until 1862. A law was passed in 1859 that the clerks of courts, trial justices, and the clerks or justices of police courts should make returns to the secretary of the commonwealth.[2] He was required to make an abstract of these and append it to the report of the attorney general. From this time on, the report of the attorney general contained only the results of his own work, the abstract appended to it by the secretary of the commonwealth evidently taking the place of the abstract of the reports of the district attorneys. An act of 1870 struck out the words, "and append the same to the annual report of the Attorney General."[3] There is no evidence to show that any abstract of these returns was thereafter published or made by the secretary of the commonwealth.[4] An act of 1881, however,

[1] *Law of 1849*, ch. 186, secs. 4 and 5.
[2] *Law of 1859*, ch. 14, secs. 11 and 12.
[3] *Laws of 1870*, ch. 274.
[4] See what Carroll D. Wright says in the *Eleventh Annual Report of the Massachusetts Bureau of Statistics of Labor*, part iii, pp. 126–127, in regard to the origin of the criminal statistics which he there uses.

provided that these returns should henceforth be made to the commissioners of prisons instead of to the secretary of the commonwealth.[1] These commissioners were required to publish such abstracts and tabular statements as should show the results of criminal prosecutions in the courts of the commonwealth. In 1901 a new board was created, but the returns were made to this new board in the same manner as they had been made to the old board.[2]

One other set of reports may be looked upon as pertinent to this history. In 1852, a law was passed requiring justices of the peace to make returns to the secretary of the commonwealth of criminal cases coming before them.[3] Abstracts of these reports were made by the secretary of the commonwealth for the years 1853 to 1857, inclusive, and published in the *Documents of the General Court* (excepting for the year 1853, when the report appeared in the legislative *Documents of the House*). The reports of these justices for the period 1862–63 to 1868–69 were published in the abstract of the secretary of the commonwealth by the law of 1859.

Few of the reports published prior to 1881 are complete for all counties, and it is to be

[1] *Laws of 1881*, ch. 66. [2] *Laws of 1901*, ch. 364.
[3] *Laws of 1852*, ch. 289, sec. 1.

greatly regretted that the commissioners, in compiling these statistics since that date, did not see fit to tabulate the statistics for all courts by crimes and convictions. As it is, they are of little use except to show the nature of the work of the courts, since the unanalyzed totals cannot be used as evidence in a study of criminality.[1]

New York

The *Revised Statutes* of 1829 made it the duty of the clerks of courts of records to enter judgment of any conviction in their minutes and to send to the secretary of state a transcript of these entries ten days after the adjournment of such court.[2] To aid the clerks in this work, the district attorneys could be called upon to prepare a statement of the offense upon which the person was convicted. At the time, the sole purpose of filing these transcripts in the office of the secretary of state was that they might furnish evidence of previous convictions when an old offender was committed for trial on a new charge. On April 13, 1838, the Senate passed a resolution requiring the secretary of state to present an abstract of the returns of

[1] Something is said of the history of criminal statistics in Massachusetts in the article, "Statistics of Crime in Massachusetts," by Frederick G. Pettigrove in *Publications of the American Statistical Association*, 1892–93, pp. 3, 5.

[2] *Revised Statutes* of 1829, part iv, title 6, secs. 5, 6, 7, 8.

convictions for criminal offenses. This abstract appeared in 1838 and covers the period 1830 to 1837 inclusive. It includes, in addition to the returns from courts of record, statistics from the mayors' courts in the cities of Albany and Rochester and from the courts of special sessions in the counties of Putnam and Yates. It is interesting to note that the secretary of state carefully analyzed these statistics and compared the results with foreign statistics, making frequent references to Quetelet's book, *Physique sociale, ou essai sur le développement des facultés de l'homme.* It may indeed be that the interest awakened by Quetelet's book was responsible for the beginning of judicial criminal statistics in New York. In 1839, a similar abstract appeared, and in this year a law was passed by the legislature which served to make permanent the Senate resolution of 1838. In substance, it was to the effect that the clerk of every court of record should transmit to the secretary of state a statement in regard to the indictments, convictions, acquittals, etc. It was furthermore provided that the sheriff of the county in which the court of record was located should transmit to the secretary of state personal information regarding each individual thus convicted. The clerks were at the same time to send to the

secretary of state copies also of all certificates of convictions made by any court of special sessions and required to be filed with them. The clerk of the court of general sessions in the city and county of New York was required to transmit to the secretary of state a transcript of every conviction had in a special session of this city and county. It was also made the duty of sheriffs to give the same kind of information concerning persons convicted in courts of special sessions in the cities of New York, Albany, Hudson, Schenectady, Troy, Utica, Rochester, Brooklyn, and Buffalo as they did regarding those convicted in courts of record. The secretary of state was required to publish annually an abstract of such returns for the use of the legislature.[1] Thus, it is seen, provision was made at this early date for the collection and publication of thoroughgoing judicial criminal statistics.

In 1861, a law was passed consolidating and amending the previous acts relating to these statistics. No important changes, however, were made in the existing laws. The act was more definite than previous ones regarding the information to be forwarded to the secretary of state. It made also such amendments as were necessary to secure returns from the courts which had in the meantime been cre-

[1] See *Laws of 1839*, ch. 259, secs. 1–9.

ated.[1] The law of 1866 made several changes in the law of 1861, but they were all in the nature of supplementing or revising the main features of the previous law.[2] For example, provision was made that as soon as a city should be incorporated reports from the court of special sessions in that city should be made by the sheriff. The law of 1867 did little more than regulate the details of collection, extending and remodeling the existing laws where the facts seemed to warrant it.[3] The final statement of the law governing the collection and compilation of these statistics is to be found in the *Criminal Code* of the state.[4]

As already indicated these are true judicial criminal statistics. In the reports of the secretary of state, they are summarized and to some extent analyzed. They would be of the greatest importance were it not for the fact that in no year have the reports been complete for all counties.[5] Penalties for failure to comply with the law calling for the collection of the statistics there were, but the proper pressure was not brought to bear to ensure the enforcement of the law.

[1] See *Laws of 1861*, ch. 97.
[2] See *Laws of 1866*, ch. 723.
[3] See *Laws of 1867*, ch. 604.
[4] See *Code*, title x.
[5] The following references taken at random from my notes will serve as partial evidence of this: 1841, v. 3, *S. Doc.* 67, p. 8; 1860, v. 6, *A. Doc.* 190, p. 4; 1866, v. 5, *A. Doc.* 114, p. 3; 1873, v. 2, *A. Doc.* 2, p. 10; 1888, v. 6, *A. Doc.* 43, p. 9.

Pennsylvania

The history of judicial criminal statistics in this state goes back to the year 1847, when an act was passed requiring prothonotaries or clerks of all criminal courts to transmit to the secretary of state statements regarding the criminal business of such courts. By the same act it was made the duty of the secretary of state to make an abstract of these reports and to lay it before each branch of the legislature.[1] What evidence I have found seems to point to the conclusion that these provisions of the law were never complied with until changed by the act of 1872.[2] This latter act was to the effect that the prothonotaries or clerks should send their reports to the Board of Public Charities which had been created in 1869.[3] Statistics for the year ending September 30, 1873, were secured by this board and prepared for publication under the direction of Dr. A. J. Ourt. Since that time, the board has continued to collect these statistics, and the results appear in the annual report which they

[1] See *Laws of 1847*, Act no. 131, secs. 2, 4.

[2] The act of 1847 made provision also for the collection of prison criminal statistics, and the secretary of state states in 1868 that up to that time this part of the law had remained a dead letter. He says, however, nothing in regard to the court statistics, but it is to be presumed that no attention was paid to their collection. See the Pennsylvania *Legislative Documents* for 1868, pp. 1324–5, for his statement of the case.

[3] See *Laws of 1872*, no. 34.

issue. Since 1888 the handling of these statistics has been done by those unacquainted with the principles of statistical investigation, and the effect has been to render the tables thus compiled of very little use. The written analysis is entirely misleading.[1]

North Carolina

A law of 1889 required the clerks of criminal courts of record, or of superior courts having criminal jurisdiction, to transmit to the attorney general reports regarding the indictments disposed of at such courts. These reports were to give information about the number convicted, the kind of crime, the sex, the race, etc. It provided also that the secretary of state should make a tabulated report regarding these.[2] This, however, he did not do, as the intent of the law seemed to be that the attorney general should make the report regarding these returns,[3] and in the *Revisal of the Code* for 1905 the section referring to the work of the secretary of state was omitted.[4] Of the reports presented by the attorney general only one, that dated 1892, admits of use. The peculiar

[1] For a number of years the analysis was on the basis of the number of those convicted, no attention being paid to those who plead guilty.

[2] See *Laws of 1889*, ch. 341.

[3] See *Report of Attorney General* dated Dec. 8, 1892.

[4] See *Code* for 1905, vol. i, sec. 917.

tabulation designed to show the business of the courts leaves the facts of criminality very much in the dark.

South Carolina

There is no statute that I can find which expressly stipulates that the solicitors shall make reports to the attorney general. In his report of November 10, 1886, the attorney general states that it is submitted in compliance with the requirements of section 503 of the *General Statutes*.[1] This section requires an annual report from him of the cases which he has argued, tried or conducted during the preceding year "with such other information in relation to the criminal laws, and statements, as, in his opinion, the criminal jurisdiction and the proper and economic administration of the criminal laws warrant and require." Though reports from the solicitors are not called for by this section, the attorney general might have so interpreted it. At any rate his reports since 1887 have included statistics of their work. These are not summarized as a whole, nor are they complete for the state, some solicitors failing nearly every year to report.

Another set of returns of interest in this connection are those which an act of 1900 re-

[1] Found in *Civil Code* of 1902, ch. xix, art. iv, sec. 640.

quired the clerks of courts of general sessions to make to the attorney general and to the solicitors of their respective circuits.[1] In a way, they seem to supplement the reports of the solicitors since they give the name, the race, the sex, the age, and the alleged crime of every person brought to trial in their courts. They appear also in the annual report of the attorney general and bear the heading "Criminal Statistics." They likewise are not summarized, and it is only through patient and painstaking effort that they can be made to yield results.

Florida

In his report of March, 1903, the attorney general gives a copy of the letter which he had sent to the state and prosecuting attorneys of the criminal courts of record.[2] He states in this letter that he finds it imperative to require the enforcement of section 91 of the *Revised Statutes* providing for reports from them. His instructions are that they send him quarterly reports, the first one to cover the period October 1, 1904, to January 1, 1905. Statistical abstracts of the reports of the attorneys appear in the attorney general's report for 1905–1906. Several counties seem not to have responded,

[1] *Laws of 1900*, no. xxiii, p. 442.
[2] See p. 4 of this report.

and the tables given are not well summarized.

Ohio

The office of attorney general was created by an act passed in 1846. By section 14 of that act, the prosecuting attorneys were required to send to the attorney general a particular statement of crimes in their respective counties, specifying the number prosecuted, the crimes, the punishments, etc.[1] The first report of the attorney general was made in 1846, and contained the information forwarded by the prosecuting attorneys. Several of the counties made no report for this year, and continued negligence along this line finally compelled the attorney general to recommend in his report for 1866 that this method of collecting statistics be done away with, and that the clerks of courts be required to furnish the statistics to the commissioner of statistics. This suggestion was embodied in a law in 1867,[2] and that year these statistics appeared in the commissioner's report. This office was abolished in 1868, and a Bureau of Statistics in the office of the secretary of state was created.[3] Since the creation of this office the clerks have sent their reports to the secretary

[1] See law of Feb. 16, 1846, secs. 14 and 16.
[2] See *Laws of 1867*, pp. 17–18. [3] *Laws of 1868*, pp. 92–93.

of state, and an abstract of these appears yearly in his report.

In revising the laws in 1879, it was again made the duty of the prosecuting attorneys to send reports to the attorney general, the revisers evidently forgetting that a similar law had been purposely repealed in 1867.[1] The attorney general suggested in his report of 1881 that this statute be repealed, but the step was not taken. He experienced no better success in obtaining these reports than his predecessors had had under the act of 1846. Not being able to secure the repeal of the statute, he ceased finally to pay any attention to it, and his report for the year 1892 is the last one that contains such returns.

With certain exceptions, the statistics found in the manual of the secretary of state seem complete enough for use. The tabulation is peculiar, but with care some information regarding criminality can be obtained from them. The reports of the attorney general are all too defective to constitute any evidence in the study of such a question.

Indiana

In 1899 it was made the duty of the chief of the Indiana Bureau of Statistics "to collect, compile, systematize, publish, print and report biennially".

[1] See *Revised Laws of 1879*, sec. 1282.

criminal statistics for the state. The clerks of all courts were required to furnish the information demanded by the chief.[1] This law has been carried out. The statistics are fairly well arranged, but owing to changes introduced in 1907 comparisons with former years are next to impossible. From a perusal of the published figures it is difficult to say whether the statistics are complete for the whole state or not.

Michigan

The reports of the attorney general cover the long period of time from 1839 to the present.[2] They have always contained in some form or other the reports of the prosecuting attorneys which were required to be made to him. The early reports are, however, very unsatisfactory both on account of the poor tabulation and the incompleteness of the returns. Since 1890, they have been very much better, and, though not summarized, present some interesting facts.

Though clerks of all courts having criminal jurisdiction were, by an act of 1873, required

[1] Act of 1899, *Laws of 1899*, p. 515; *Revision of 1908*, vol. 3, secs. 9342–9344.

[2] The first reference to any law on the subject that I found is taken from the *Revised Statutes* of 1838, part i, title 3, ch. 1, secs. 21 and 22. These sections require a report from him and from prosecuting attorneys.

to make out and transmit to the governor of the state annual reports of the number of convictions and other information regarding crime and criminals,[1] Wisconsin is sadly deficient in the matter of judicial criminal statistics. I find that the secretary of state occasionally made abstracts of these reports, as in 1879 and 1883. They are, however, so meagre and so few in number as scarcely to deserve mention.

Wisconsin

In his report for 1861, the attorney general called the attention of the legislature to the fact that other states required the prosecuting attorneys to send criminal statistics to the attorney general.[2] This fact having been brought to their notice, the legislature passed a law providing for such returns from their own prosecuting attorneys. Beginning with the year 1862, individual abstracts of the attorneys' reports have appeared in the report of the attorney general. They are very incomplete, the prosecuting attorneys failing from time to time to send in returns.

Minnesota

The *Code of 1851* made very full provisions

[1] See *Laws of 1873*, ch. 109, "An Act relating to the Furnishing of Certain Statistics of Crime."

[2] See p. 327 of his report for this year.

regarding the collection and the publication of judicial criminal statistics.[1] According to it, the clerk of each district court was required to report annually to the secretary of state the number of convictions for all crimes and misdemeanors which were had in that court. It also stated that the report should show the character of the offense, the sentence and the occupation and habits of the convict. An abstract containing all the facts reported was to be made by the secretary and presented to the General Assembly. This law has stood until the present day, and is incorporated in the *Code of 1897*.[2] Up to the year 1874, the counties were very lax in making reports. In some years, as many as thirty were deficient in this respect. Since that time, much improvement has been made in the work, and the abstracts of the secretary of state constitute a valuable source of knowledge.

Iowa

The *Revised Codes of 1905* required the state attorneys to make monthly reports to the attorney general of all proceedings in the various courts of the counties (justices' courts excepted) wherein the state was a party or was inter-

North Dakota

[1] *Code of 1851*, sec. 148.
[2] *Code of 1897*, ch. 8, title 3, sec. 293.

ested. Various facts were requested to be included in the reports, such as the purpose of the action and the disposition of the same.[1] Concerning the publication of an abstract of these reports by the attorney general I have found no reference in the laws, and have been unable to secure access to the *Public Documents* of the state published since 1904.

Alabama

Since 1883, it has been the duty of all circuit and county solicitors of city and criminal courts to send to the attorney general a certified statement of the number of cases disposed of at each term, the number of convictions, the number of acquittals, the number sentenced to death, to the penitentiary or to jail, etc. The attorney general is required to make a report to the governor of the business of his office and of the criminal cases disposed of in the entire state as shown by the reports of the solicitors.[2] The general statements appended to the reports of the attorney general and showing the character and results of the prosecutions are very well gotten up. There is a good summary of the state as a whole, and the information seems to be complete and carefully prepared.

[1] See *Revised Codes of 1905*, sec. 2494.

[2] See *Laws of 1883*, p. 39. Also *Codes of 1907*, vol. iii, sec. 7785; vol. i, secs. 634–35.

Louisiana

An act of 1855 (incorporated in subsequent revisions) provided for a report from the attorney general to the legislature, the report to include the annual reports of the several district attorneys.[1] The items called for in the reports are the usual ones of convictions, crimes, acquittals, etc. As found in the reports of the attorney general, the statements of the district attorneys are separate and distinct, and in no year, I believe, are all counties there represented, though, as in most cases, a penalty is attached to the non-fulfillment of the law.

Texas

By an act passed in 1846, the attorney general was required to present to the governor a report of the criminal business of the state. To this end he could demand that district and county attorneys and clerks of district and county courts should furnish him with information.[2] The *Revision of 1879* made the duty of district and county clerks more specific, and that of 1897 did the same for district and county attorneys.[3]

[1] *Laws of 1855*, p. 6. This does not specify that the district attorneys shall send reports, though it speaks of including them. This part seems to have been added in revising the laws in 1870. See *Revised Laws of 1870*, secs. 131 and 1147. Also *Revised Laws of 1904*, vol. i, pp. 53–54.

[2] Act of May 11, 1846, p. 206.

[3] *Code of Criminal Procedure*, art. 39.

The reports of the attorney general are, however, very disappointing. He says in his report dated December 31, 1869: "There are one hundred and twenty-seven counties in the State that report organization. I have full reports only of the criminal proceedings for 1868 from twenty-seven counties. I have reports from thirty other counties for 1868, covering one half of the year, or one term of the District Court therein. From the balance of the counties, no report at all for that year. It will be seen, therefore, that it is impossible to make such a report as is by the law contemplated." [1] The continuation of this state of affairs has destroyed whatever value the reports might have had.

Montana

The *Political Code of 1895* called for a report from the attorney general on the condition of affairs in his department. It also stated that his report was to be accompanied by copies of the dockets and reports sent to him by the county attorneys.[2] The biennial report of December, 1900, I believe to be the first one made under this act. Neither it nor the succeeding ones contain reports from all counties, and hence their usefulness is much impaired.

[1] See pp. 49–50 of the report of 1869.

[2] *Political Code*, 1895, sec. 460, 12. I believe this to be the first law on the subject, as I find no other references.

Utah

In 1896, an act was passed which required the attorney general to report to the governor biennially and to include in his report copies of the returns from county attorneys.[1] In no one report have all the counties of the state been represented, though it is possible, as in some of the other states, to study the statistics of a certain section of the state represented by the counties which reported each year.

Nevada

The legislature of 1889 passed an act entitled, "An Act to require District Attorneys to make certain reports to the attorney general."[2] The reports were to specify the number of persons convicted, the average punishment, the number acquitted, and certain information regarding the circumstances of crimes for which persons were sentenced to state's prison. In his biennial report for 1893–94, the attorney general states that he had submitted in his previous reports the returns made to him by the district attorneys, but that he had not felt it worth while to do so that year on account of their meagre and unsatisfactory character.[3] Though the returns were afterwards included

[1] See *Laws of 1896*, pp. 122–124.
[2] *Laws of 1889*, ch. liv, secs. 1 and 2.
[3] *Report of the Attorney General* for 1893–94, p. 6.

in some of his reports, his description, just referred to, continued to be applicable to them.

Idaho

Though the *Revised Laws of 1887* required a report from the attorney general and accompanying reports from the district attorneys, I am not aware that the reports of the attorney general ever contained such returns as were required to be made to him by the attorneys.[1]

Washington

An act of 1886 required all prosecuting attorneys to report each year to the governor the nature and amount of business transacted by them.[2] Now though the law of 1888, requiring a report from the attorney general, said nothing about including abstracts of the returns of the prosecuting attorneys,[3] yet the attorney general's biennial report for the period 1891–92 contains such abstracts. This report, however, is the only one that does include them, and, so far as I am aware, no other abstract of these returns has yet been published.

The situation at the present time in this state resembles that in the early period of the

[1] See *Revised Laws of 1887*, sec. 250, 12.
[2] *Laws of 1886*, p. 62, sec. 13.
[3] *Laws of 1888*, p. 8, sec. 7.

history of judicial criminal statistics in the state of New York. Since 1862 there has been a law requiring the district attorneys to file in the office of the secretary of state a written report of the amount and kind of official business done by them, specifying the prosecutions, their results, the punishments, etc.[1] No abstract of these, I believe, has ever been published.

Oregon

On page 13 of the attorney general's report for the year 1900, the following interesting sentence was found: "Section 470 of the *Political Code* has long required reports from the several district attorneys to accompany the biennial report of the Attorney General, but, so far as I am advised, that requirement is complied with this year for the first time." The law to which he here refers was passed in 1850,[2] and as it provided no penalty for refusing to comply with its provisions the attorney general was unable to obtain the returns from the district attorneys.[3] The report of 1900 lacks

California

[1] *Laws of 1862.*

[2] *Laws of 1850*, ch. 11.

[3] See p. 3 of the report of the attorney general for 1860, also p. 3 of his report for 1861, where he speaks as follows: "It would afford me pleasure to give some reliable data in reference to the amount of crime committed in this state during the past year. . . . But such is out of my power owing to the defect of the law relating to district attorneys."

returns from seventeen counties, and as the later ones are about equally deficient, their use is extremely limited.

Even Homer had to descend to tediousness when telling of the forces that set out for Troy, and these histories, which in this respect resemble the famous catalogue of ships, claim no other merit than that they honestly attempt to represent the facts of the situation. Presented in this fashion, a rapid survey of the main features of the state judicial criminal statistics is somewhat difficult, and it has therefore seemed best to summarize the main facts in a tabular form.

TABLE SHOWING WORK OF STATES IN THE

STATE	Date of first law authorizing collection	Collected by	Sent to
Maine	1839	County Attorneys	Attorney General
New Hampshire	1891	County Solicitors	Secretary of State
Massachusetts	1832	Clerks of Courts, Trial Justices	Commissioners of Prisons
New York	1829	Clerks of Courts and Sheriffs	Secretary of State
Pennsylvania	1847	Prothonotaries, Clerks	Board of Public Charities
North Carolina	1889	Clerks of Courts	Attorney General
South Carolina	1886	Solicitors, Clerks	Attorney General
Florida	1904	State and Prosecuting Attorneys	Attorney General
Ohio	1846	Clerks	Bureau of Statistics
Indiana	1899	Clerks	Bureau of Statistics
Michigan	1838	Prosecuting Attorneys	Attorney General
Wisconsin	1873	Clerks	Governor
Minnesota	1862	Prosecuting Attorneys	Attorney General
Iowa	1851	Clerks	Secretary of State
North Dakota	1905	State's Attorneys	Attorney General
Alabama	1883	Solicitors	Attorney General
Louisiana	1855	District Attorneys	Attorney General
Texas	1846	District Clerks and County Attorneys	Attorney General
Montana	1895	County Attorneys	Attorney General
Utah	1896	County Attorneys	Attorney General
Nevada	1889	District Attorneys	Attorney General
Idaho	1887	District Attorneys	Attorney General
Washington	1886	Prosecuting Attorneys	Governor
Oregon	1862	District Attorneys	Secretary of State
California	1850	District Attorneys	Attorney General

COLLECTION OF JUDICIAL CRIMINAL STATISTICS

Where found	Character of
In reports of Attorney General[1]	Not summarized but fairly good
In reports of Commissioners	The tabulation not suited to criminal statistics
In reports of Secretary of State	Well summarized but returns are incomplete
In reports of Board	Poorly tabulated
In reports of Attorney General	Not tabulated by crime and conviction
In reports of Attorney General	Returns incomplete
In reports of Attorney General	Incomplete returns and not summarized
In reports of Bureau	Good
In reports of Bureau	Fairly good
In reports of Attorney General	Fairly good
In reports of Secretary of State	Poor and meagre
In reports of Attorney General	Incomplete returns
In reports of Secretary of State	Fairly good
Not published	
In reports of Attorney General	Well summarized and seemingly complete
In reports of Attorney General	Incomplete returns and not summarized
In reports of Attorney General	Incomplete returns mostly
In reports of Attorney General	Not summarized
In reports of Attorney General	Incomplete returns
In reports of Attorney General[1]	Very unsatisfactory
In reports of Attorney General[2]	
In reports of Attorney General[1]	
Not published	
In reports of Attorney General	Incomplete and not tabulated

[1] Not now published.

[2] Not found.

From this table, the extent and organization of state judicial criminal statistics is at once seen.[1] Their development has already been portrayed, and the following chapter will take up the history and organization of state criminal statistics which in a manner supplement the judicial criminal statistics.

[1] Some might feel that I should have included Connecticut in this group of states. Yet so far as I am able to perceive, the statistics published in the report of the comptroller of public accounts are merely judicial statistics and do not include criminal statistics.

CHAPTER V

STATE CRIMINAL STATISTICS — (*Continued*)
PRISON

As was indicated in Chapter I, prison criminal statistics differ from judicial criminal statistics mainly in that they are less comprehensive. To be sure, they differ, also, in the kind of subsidiary information that they may yield; for example, the manner of carrying out the sentence is a fact which might be obtained from prison criminal statistics but not from those compiled from judicial records. The details of collection, such as time, place, and authorities are also all usually dissimilar, and yet, after all, the main difference is, as stated in the opening sentence, one of comprehensiveness. This fact is due, of course, to the circumstance that prison criminal statistics take no account of any but those committed to the various penal or correctional institutions.

In the United States, the real power to collect prison criminal statistics lies, as it does with the collection of judicial criminal statistics, with the separate states. A number of these have collected prison statistics of crimi-

nals and a very few prison criminal statistics. This chapter includes the history of those that have collected prison statistics of criminals, for I am confident that the evidence points to a development of these into prison criminal statistics, and the omission of the work of the states along this line would, I believe, constitute a distinct loss to the value of this study.

In the collection of prison criminal statistics or prison statistics of criminals, the states have uniformly followed two policies. One plan has been to have the sheriffs and keepers of state correctional and penal institutions send in returns to the secretary of state, who has been required to publish an abstract of these returns for the benefit of the legislature. The other plan is for the same local officers to send their returns to a state board of charities and corrections, or board of similar name, which makes such use of them as it may desire, usually publishing a summary of the results. These boards are all of about the same character. They are composed of from three to nine members, serving with or without pay for a term of years, and have either the control and management of state institutions and an investigating power over county institutions or are devoid of all control but empowered to investigate and report. Sometimes the charity group of institutions is

separated from the penal and correctional group and the supervision and control of the two vested in two distinct boards. In this case, the criminal statistics or statistics of criminals would, of course, be collected by the board dealing with that class of institutions.[1]

The histories which follow have been made as brief as possible, and only the reports of importance are touched upon.

New Hampshire

The State Board of Charities and Correction was created in 1895.[2] As organized under the law, the board consisted of five persons, appointed for five years and receiving no compensation. It constituted a committee to which the overseers of the poor and the county commissioners reported concerning minors cared for by them. In 1897, its powers and duties were greatly enlarged.[3] It was given supervision over the whole field of charitable and correctional institutions with the exception of the state prison and the asylum for the insane at Concord. The board has made biennial reports since 1896, and all but the first one contain

[1] Prof. Frank A. Fetter discusses the work of these boards in a report read at the 36th National Conference of Charities and Corrections, held at Buffalo, N. Y., June, 1909.

[2] *Laws of 1895*, ch. 116.

[3] *Laws of 1897*, ch. 91.

statistics of the inmates of the various institutions, relating chiefly to the number found confined on a certain day of the year. The offenses are not given except for those of persons committed to the house of correction. The board has made several recommendations in its reports, and if these are adopted the statistics will be more valuable.

In addition to the statistics collected by the State Board of Charities, there are the returns of the sheriffs which are sent to the secretary of state. These, as well as the reports of the solicitors which were mentioned in the preceding chapter, have not been obtainable and consequently I am unable to speak of their nature.

Vermont

In 1896, the legislature repealed a law which had stood on the statute books since 1860. This law had required the sheriffs to transmit to the secretary of state various facts regarding every person committed to jail. The offence was to be specified, and therefore these may be considered as prison criminal statistics. The reports were not published but filed in the secretary's office.

Though there are two boards in charge of state institutions, no statistics for the state as a whole are given.

In 1834, a law passed the legislature which required the keeper of each jail and house of correction to make semi-annual returns to the mayor and aldermen of the city of Boston, or to the county commissioners of the county, in which the jail or house of correction happened to be located.[1] The commissioners sent the reports to the secretary of the commonwealth, who made an abstract of these and presented it to the House or the Senate as the case might be. These abstracts cover the years 1833 to 1839. Their nature can be best understood by quoting from the abstract of 1839, prepared by Mr. J. P. Bigelow, then secretary of the commonwealth. He says: "The abstract, as in several preceding years, has been made principally from the returns of the *keepers*, there being no returns (as required in the *Revised Statutes*, chapter 143, section 33) from the Inspectors, in most of the counties. From Franklin and Hampshire, no returns have been received either from Keepers or Inspectors. It is understood that in the county of Hampshire, during most of the year, there did not exist a legal board of County Commissioners, which will account for the omission of returns from that county.

Massachusetts

"There being no special form of returns con-

[1] *Laws of 1834*, ch. cli, sec. 15.

cerning prisons prescribed by law, it will be observed by the *Abstract*, that the information derived from the returns is, in some cases, much more full than in others. It is also important to notice that the returns as at present made exhibit a much larger aggregate of crime than the facts, if properly set forth, would warrant, for the number stated as committed to the houses of correction of course include a larger portion of those who were in the first instance committed to the common jails." [1]

In 1840, the secretary of the commonwealth was required to furnish the sheriffs and overseers blanks for their returns.[2] Though this was a change in the right direction, the general nature of the statistics, owing to incompleteness and reduplications, was not thereby very much improved. Moreover, returns from the state prison and from the state reform school were not included.

In 1863, the Board of State Charities was established with the power to investigate and supervise the whole system of public charitable and correctional institutions of the state.[3] A year later, the secretary of this board was by law required to furnish sched-

[1] See *House Documents*, 1840. Document no. 39, p. 3.
[2] *Laws of 1840*, ch. 15, secs. 1–2.
[3] *Laws of 1863*, ch. 240.

ules to the keepers of prisons and workhouses, including the state prison and the house of industry, reformatory and correction in Boston, and to the sheriffs.[1] The work of the secretary of the commonwealth in collecting prison criminal statistics was thus given to the Board of State Charities. The statistics collected by the board were the most comprehensive yet obtained. A great many questions were, however, asked which by their very nature precluded an answer. The tables were not well summarized and it is difficult to make use of the data found in them.

In 1870, three commissioners of prisons were appointed to supervise the jails and houses of correction.[2] The jailers and keepers now sent their returns to the commissioners instead of to the Board of State Charities. Two years later, these officials were again directed to send their returns to the Board of State Charities, provision being made to give the commissioners access to them.[3] A return to the previous policy was made in 1874 when the keepers of all penal institutions were required to keep records and to make returns to the commissioners.[4] It was not, however, until 1877 that the act requiring returns to be made

[1] *Laws of 1864*, ch. 307, sec. 1. [2] *Laws of 1870*, ch. 370.
[3] *Laws of 1872*, ch. 24, sec. 1.
[4] *Laws of 1874*, ch. 264, sec. 1.

to the Board of State Charities was finally repealed.[1] Although by the act of 1874 it would seem that the prison commissioners had the power to require returns from all institutions, yet they never included in their report returns of the state prison. The tables are not well constructed and for a comparative study of criminality are of little use.

In 1879, the Board of Prison Commissioners was created, and all reports and returns of the warden of the state prison, of the reformatory for women, of jailers, keepers of houses of correction, county commissioners or directors were henceforth made to it.[2] This board was supplanted in 1901 by a new one bearing the same name and having the same powers and duties. It consists of five persons, the chairman being the only paid member. These two boards have collected and tabulated prison criminal statistics, and it is not too much to say that they are the best of all such state statistics.

Rhode Island

A board of State Charities and Correction consisting of six persons and having charge of certain specified state institutions was created in 1869.[3] It was reconstituted in 1877, at which time

[1] *Laws of 1877*, ch. 120, sec. 1. [2] *Laws of 1879*, ch. 294.
[3] *Laws of 1869*, May session, ch. 814, pp. 1–6.

the number of members was increased to nine and its powers further extended.[1] Its reports, made annually to the General Assembly, have included since about 1877 criminal statistics of institutions and of jails, those for jails relating to all those found in confinement at a certain time. Needless to say they are worthless for statistical studies.

Connecticut

From 1843 to 1861, the county commissioners reported regularly to the legislature on county jails. Under the act of 1861, the secretary of state was required to compile an abstract of these returns. The number of those found in prison on a certain day of the year and the number of those committed during the year are both given in the secretary's abstracts. In addition, various facts are recorded of those committed during the year, such as sex, age, color, and offense, although no distinction seems to have been made between those convicted in the courts and those awaiting trial.

This state also has a State Board of Charities, created in 1873.[2] It consists of five persons appointed for four years, and its chief

[1] *Public Laws of 1877*, ch. 603.

[2] *Laws of 1873*. It was called Board of Charities in this law, and the name was changed to the present one by the law of 1884 (ch. 77, secs. 1–6).

duty is the inspection of penal and charitable institutions. The biennial report of this board gives a few statistics of those found in state institutions on day of visit and some of the later reports give a summarized statement of commitments to the jail, though not by crimes.

New York

The State Commission of Prisons was created in 1895. It consisted of three persons, serving for four years, and having as its object the inspection of all institutions used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors.[1] All such institutions were required to report certain facts regarding the inmates received and confined therein, but such data as were called for are not sufficient to form the basis for prison criminal statistics. A very slight change in the law would remedy this, and such development may be looked for in the future.

New Jersey

An attempt to obtain prison criminal statistics seems to have been made in 1883 when a law was passed creating the Council of State Charities and Correction.[2] Section 9 of this act required the warden, physician, steward or other officer in charge of any institution of charities or cor-

[1] *Laws of 1895*, ch. 1026. [2] *Law of March 23, 1883.*

rection to keep an exact register (the form of which was to be prescribed by the council) of each person in his charge and to send to the clerk of the council an abstract of the same. This board attempted to secure criminal statistics from each county, but owing to a defect in the law it was unable to obtain any but the most meagre statistics. Its third report is the last one that I have found, and I have reason to believe that the law requiring these statistics was thereafter not enforced.[1]

Pennsylvania

The movement to collect prison criminal statistics began in 1847. In this year an act was passed requiring sheriffs, inspectors or persons in charge of any jail or penitentiary to make detailed reports to the secretary of state concerning the institutions over which they had charge.[2] This law remained on the statute books until 1872, but to the best of my knowledge it was never enforced.[3] Three years after the crea-

[1] See *Laws of 1897*, ch. 124, p. 179, sec. 2, which says, "Nothing in this act contained shall be held to revive an act entitled: An act providing for the record and report of Jail statistics."

[2] *Laws of 1847*, no. 131.

[3] Diligent search has failed to find the abstracts of these reports which the secretary of state was required to make. The early reports of the Board of Public Charities make much of the difficulty of securing statistical information and portray the beginning of such work under their régime.

tion of the Board of Public Charities, the law directed that the reports be sent to it, and in the report of this board for 1873 certain prison statistics of criminals appear.[1] From that time on statistics of a similar nature have been published in the annual report of this board. The report aims to give the number committed to all penal and correctional institutions and the number found on a certain day of the year. The statistics of the penitentiaries and of the Huntington reformatory give the kind of crime for which the individuals were committed, but the sole distinction made along this line in the statistics of the county prisons and of the workhouse is that between felonies and misdemeanors — a distinction of little use to the student.

Virginia

A Board of Charities and Correction for Virginia was established in 1908.[2] It consists of five members appointed for a term of five years. It is strictly advisory in its nature but has the power to secure statistics. In fact the law says: "that said board shall collect and publish statistics regarding the dependent, defective and delinquent classes both in and out of

[1] *Laws of 1872*, no. 34.

[2] Law approved March 13, 1908, being ch. 276 of Acts of 1908.

institutions, within the state, and such other data as may be of value." I have not yet had the opportunity to examine the report which the board has recently made and thus am unable to say whether this provision of the law has been carried out.

North Carolina

A Board of Public Charities was created by the legislature which held its session in 1868–69. It consisted of five members elected for a term of two years by the General Assembly. Like so many of the state boards, its duty was to investigate and supervise the whole system of charitable and penal institutions.[1] Detailed information regarding the inmates of prisons, poorhouses, etc., was required to be sent to the Board of Public Charities by the board of commissioners of each county. The statistics in the reports of the Board of Public Charities are merely prison statistics of criminals found in confinement and are not complete.

Ohio

The Board of State Charities was organized under the act of April 17, 1867. Five persons constituted the board, and it possessed the general power of investigation and supervision of state charitable and correctional institutions. This

[1] *Laws of 1868–69*, ch. 170.

board lasted until 1872. During this time it made five annual reports which contain statistics of jail prisoners for the entire year and for the number in prison on a certain day of the year. The board was revived by the act of April 3, 1876, and as at present organized consists of six members serving without pay for a term of three years. The reports which this board has annually made to the legislature have universally contained statistics of jail prisoners, number received during year and found on certain dates in confinement. Returns from certain institutions are also found from time to time, but none of the statistics can be considered as true prison criminal statistics.

Indiana

A prison census is taken each year by the Board of State Charities which was created in 1889.[1] This board is composed of six members serving for three years and has had from its beginning the power to obtain statistical information from sheriffs and officers in charge of other penal or correctional institutions. It has had great difficulty in obtaining complete returns, and such as have been secured are acknowledged to be inexact. A few of the offenses, as intoxication and vagrancy, are enumerated in

[1] *Laws of 1889*, ch. 37.

some of the later reports of the board, but in general the number found constitutes the extent of the information.

Illinois

In 1872 a law was passed entitled "An act to secure uniform and reliable statistics concerning the dependent and criminal classes, and their treatment in state and county institutions."[1] This law required, among other things, that the keepers of state institutions and sheriffs should send reports to the Board of State Commissioners of Public Charities which had been organized in 1869.[2] The board, it seems, had at the beginning been impressed with the need of statistical information, and the law of 1872 was, no doubt, the result of its efforts.[3] The law, however, was of little avail, and, indeed, the criminal statistics of prisoners in jail published in their first report before the passage of the law of 1872 were better than any offered to the public afterwards, the later reports containing only a few scattered statistics of jail prisoners.

In 1909 a law was passed which brought about a great change in the management of the penal and charitable institutions of the state.[4] There are now two boards known re-

[1] *Laws of 1872*, p. 751. [2] *Law of 1869*, approved April 9.
[3] See *First Biennial Report*, p. 173.
[4] Law approved June 15, 1909, *Laws of Illinois*, Forty-Sixth General Assembly, 1909, pp. 102–123.

spectively as the Charities Commission and the Board of Administration. Both were empowered by the law to collect statistics. An interesting fact and one that bodes much good for the statistics of that state for the future is the appointment of Dr. Frederick H. Wines as statistician for the Board of Administration.

Michigan

This state has attempted since 1873 to secure prison criminal statistics for the entire state. In that year, a law passed the legislature making it incumbent upon the sheriffs or jailors to send to the secretary of state detailed information regarding those committed to their care.[1] The statistics relate to the number found confined on a certain day of the year, the number committed during the year, and the average number. The only reference to crimes is the distinction made between high crimes and minor offenses. The abstracts made by the secretary of state appear in the *Joint Documents*, and the Board of Correction and Charities has from time to time included in its reports excerpts from these, giving at the same time commitments to the state institutions. A few changes in the forms sent out by the secretary of state would make these statistics yield valuable results.

[1] *Laws of 1873*, no. 167.

Wisconsin

This state has had four state boards, all of which relate in some way to the history here attempted. In 1871, the State Board of Charities and Reform was created.[1] It had full power of supervision and investigation over state institutions and investigating power over county or municipal institutions of a penal, correctional, or charitable character. This board was reorganized in 1876,[2] and in 1881 it was relieved of all duty in regard to six state institutions by the creation of the State Board of Supervision of Wisconsin Charitable, Reform and Penal Institutions.[3] Both boards were abolished in 1891, and their places taken by a new board called the State Board of Control of Reformatory, Charitable and Penal Institutions, which at the present time possesses all the powers and duties of the two former.[4] It is difficult to describe the statistics which these various boards have published. A shifting, faltering plan has been pursued, but in general the attempt seems to have been made to secure statistics of those received during the year and of those found in prison on a certain day. Seldom are the crimes of the prisoners enumerated, and the illogical and irregular tabulation deprives the statistics of

[1] *Laws of 1871*, ch. 136.
[2] *Laws of 1876*, ch. 414.
[3] *Laws of 1881*, ch. 298.
[4] *Laws of 1891*, ch. 221.

any usefulness they might otherwise have possessed.

Minnesota

Statistics designed to show the movements of population in jails and other penal institutions have been collected since 1886. The State Board of Corrections and Charities began this work, and after its abolition in 1901 the new Board of Control of State Institutions continued the work.[1] A census of the prison population is taken at various times during the year with the idea that this method will show the shifting character of this class. The offenses for which committal was ordered are not specified.

Missouri

A few jail and penitentiary statistics of prisoners have been collected by the Board of Charities and Correction which was organzied in 1897.[2] In some cases the sentences for murder and larceny are given. In the main, however, the attention of the board is focused on the sex, color and number of those found in confinement.[3]

The Board of State Charities, organized in 1895,[4] has collected a few prison statistics

[1] *Laws of 1883*, ch. 127; 1901, ch. 122. [2] *Laws of 1897*, p. 45.
[3] The report of the board for the biennial period 1899–1901 includes an article entitled "Is Crime Increasing?"
[4] *Laws of 1895*, ch. 193.

of criminals. The number on hand, the number received during the year, the sex and race of the prisoners are some of the facts set forth. I have no report since 1903, but it is doubtful if the character of the statistics has since undergone any change for the better. **Tennessee**

It is now the duty of sheriffs to make out a jail report and send it to the secretary of state, who in turn must communicate these reports to the Legislative Assembly at its annual session.[1] As I have not been able to obtain access to the report of the secretary, I am not in a position to speak of the nature of these statistics. **Oklahoma**

This state has a State Board of Charities and Reform[2] and its reports have at times contained a very few statistics of state and county institutions giving the admissions, discharges, etc., during the year. **Montana**

The State Board of Charities and Reform was created by that session of the legislature which was held in 1890–91.[3] The act which organized this board **Wyoming**

[1] See *Revised and Annotated Statutes of Oklahoma*, 1903, ch. 68, art. 24, sec. 620.

[2] Created in 1893.

[3] *Laws*, 1890–91, ch. 37.

also required sheriffs to report to it regarding persons confined in the county jails. As the board had definite charge of the various state penal and reformatory institutions it was in a position to obtain complete prison criminal statistics. The first reports of the board gave criminal statistics of institutions and a mere enumeration of prisoners in jail on a certain day of the year. The later reports have given up the jail statistics entirely.

Colorado

The reports of the State Board of Charities and Corrections (created in 1891)[1] have at times contained tables designed to show the movements of population both in state and county institutions. The jail censuses, taken at various times during the year, were omitted from some of the reports and only those for state institutions given.

California

Since 1903, California has had a State Board of Charities and Correction.[2] This board presents in its biennial report tables designed to show the movements of population in the state and county penal and correctional institutions.

[1] *Laws, 1891*, p. 327.

[2] *Statutes and Amendments to the Codes of California*, 1903, chapter ccclxiii.

Although several facts are recorded regarding those in jails the important question regarding crime for which committed has been omitted from the category.

As in the preceding chapter, the facts of the situation are shown in tabular form on the next page.

It will be noticed that Massachusetts was the pioneer in this work, and from long experience has been able to evolve an efficient scheme of organization which has produced good results. The trouble with most of the states is that the emphasis has been put on the accommodations for the prisoners, the aim of the boards evidently being to gain some idea of the population with the idea of providing suitable structures. To say, however, that they have never been concerned with the study of criminality is to waive all the evidence offered by the essays on criminality which are to be found in the reports of the various boards. They are all groping for light on the subject of statistics and the need for some centralized leadership is evident.

TABLE SHOWING WORK OF STATES IN THE COLLECTION OF PRISON CRIMINAL STATISTICS AND OF PRISON STATISTICS OF CRIMINALS

STATE	Date of law providing for collection	Collected by	Sent to	Where found	Character
New Hampshire	1897	Keepers, Sheriffs	State Board of Charities, Secretary of State	Reports of Board	Poor
Vermont	1860 repealed in 1896	Sheriffs	Secretary of State	Not published	
Massachusetts	1834	Wardens, Keepers, Sheriffs	Board of Prison Commissioners	In Reports of Board	Good
Rhode Island	1869	Keepers, Sheriffs	Board of State Charities	Reports of Board	Poor
Connecticut	1843	County Commissioners	State Board of Charities, Secretary of State	Board's Report, Secretary's Report	Poor
New York	1895	Keepers	State Commission of Prisons	In Report of Commission	Poor
New Jersey	1883	Warden, Keeper	State Board of Charities	Report of Board [1]	
Pennsylvania	1847	Keepers, Sheriffs	Secretary of State, Board of Public Charities	Report of Board	Poor
Virginia	1908	Keepers	Board of Charities and Correction	Report of Board	—[2]
North Carolina	1868–9	Board of Commission	Board of Public Charities	Report of Board	Poor
Ohio	1867	Keepers	Board of State Charities	Report of Board	Poor
Indiana	1889	Sheriffs, Keepers	Board of State Charities	Report of Board	Poor
Illinois	1872	Keepers	Board of State Commissioners of Public Charities	Report of Board	Poor
Michigan	1873	Keepers	Secretary of State	Secretary's Report and Report of Board of Correction and Charities	Poor
Wisconsin	1871	Keepers	Various Boards	Reports of Boards	Poor
Minnesota	1886	Keepers	State Board of Correction and Charities and State Board of Control	Reports of Boards	Poor
Missouri	1897	Keepers	Board of Correction and Charities	Reports of Board	Poor
Tennessee	1895	Keepers	Board of State Charities	Reports of Board	Poor
Oklahoma	1903	Sheriffs	Secretary of State		
Montana	1893	Sheriffs, Keepers	State Board of Charities and Reform	Reports of Board	Poor
Wyoming	1890–91	Sheriffs	State Board of Charities and Reform	Reports of Board	Poor
Colorado	1891	Keepers, Sheriffs	State Board of Charities and Reform	Reports of Board	Poor
California	1903	Sheriffs	State Board of Charities and Reform	Reports of Board	Poor

[1] Not now published. [2] Not examined.

CHAPTER VI

PLAN FOR THE REORGANIZATION OF CRIMINAL STATISTICS IN THE UNITED STATES

Before submitting a plan for the reorganization of criminal statistics in the United States, I wish to present briefly the facts of the present situation.

The federal census bureau has recently changed its plan of collecting criminal statistics. It will be remembered that prior to the last census such criminal statistics as it obtained were mostly gathered at the time of the regular population enumeration and related mainly to those found confined in penal and correctional institutions on a certain day of the year. The limiting in 1900 of the decennial work to four main lines of inquiry made necessary a change in the manner of collecting criminal statistics. In 1903, schedules were sent out to the keepers of jails, penitentiaries and reformatories, and this time the emphasis was laid upon commitments during the calendar year. The intention is, I believe, to pursue the same policy, in the future. The next report of this nature will then appear some time after the main work of the 1910 census

is completed. The census bureau has also started to collect judicial criminal statistics. Certain counties in various states have been selected and clerks from the census office sent there to fill out prepared schedules by reference to the criminal dockets. The first report will be for 1906. What plans for the future of this work are being contemplated I am unable to say.

As has been shown, many of the states have collected judicial criminal statistics, a very few prison criminal statistics, and a number prison statistics of criminals. The following table will give some idea of the nature and extent of this work of the states:

TABLE SHOWING EXTENT AND NATURE OF THE WORK OF THE STATES IN THE COLLECTION OF CRIMINAL STATISTICS AND PRISON STATISTICS OF CRIMINALS

State	*Collects Judicial Criminal Statistics*	*Collects Prison Criminal Statistics*	*Collects Prison Statistics of Criminals*
Maine	Yes		
New Hampshire	—[1]	—[1]	Yes
Vermont	No	Yes	No
Massachusetts	Yes	Yes	No
Rhode Island	No	Yes	No
Connecticut	No	Yes	No

[1] Nature not known as data were not at hand.

State	*Collects Judicial Criminal Statistics*	*Collects Prison Criminal Statistics*	*Collects Prison Statistics of Criminals*
New York	Yes	No	Yes
New Jersey	No	No	No
Pennsylvania	Yes	Yes	No
Virginia	No	—[1]	—[1]
North Carolina	Yes	No	Yes
South Carolina	Yes	No	No
Florida	Yes	No	No
Ohio	Yes	No	Yes
Indiana	Yes	No	Yes
Illinois	No	No	Yes
Michigan	Yes	Yes	No
Wisconsin	Yes	No	Yes
Minnesota	Yes	No	Yes
Iowa	Yes	No	No
Missouri	No	No	Yes
North Dakota	Yes	No	No
Tennessee	No	No	Yes
Alabama	Yes	—[1]	No
Louisiana	Yes	No	No
Texas	Yes	No	No
Oklahoma	No	No	No
Montana	Yes	No	Yes
Wyoming	No	No	Yes
Colorado	No	No	Yes
Utah	Yes	No	No
Nevada	Yes	No	No
Idaho	Yes	No	No
Washington	Yes	No	No
Oregon	Yes	No	No
California	Yes	No	Yes

[1] Nature not known as data were not at hand.

The character of the statistics in each state has been noted in the histories given above. It is sufficient here to state that the statistics are, from the point of view of a student of criminology almost without exception bad. The reasons for this state of affairs are, broadly speaking, four. It must be remembered that the states had a double purpose in view in the collection of these statistics. They were to furnish information for administrative purposes as well as to give an index of the nature and extent of criminality in the community. The administrative purpose was perhaps less evident in the judicial criminal statistics than in the others. But these judicial criminal statistics enabled the state authorities to gain an oversight of the work of the courts and the attorneys, though the compilation and analysis seems quite generally to have been made with the sociological idea uppermost. Likewise the prison criminal statistics or prison statistics of criminals were to afford information to the state officers, or to state boards, of the needs of prisons, jails and reformatories for money, buildings, etc., as well as to give information on the state of criminality. As the first reason, then, for the bad quality of the state criminal statistics, I would give the presence of two purposes in their collection and the non-recognition of

the fact that this circumstance rendered necessary a plan of procedure somewhat different from one required where the success of but one purpose is sought. A second cause may be found in the ignorance on the part of those charged with the collection and analysis of the statistics of the principles and methods of statistical science. This ignorance is excusable since until recently very little opportunity for training along these lines existed in this country. A proper understanding of the task before them would have made possible the elimination of many grievous errors which cannot at this late date be rectified. The attitude of officials may be given as a third cause. The work has been done, as so much official work is regularly done, not so much for the sake of obtaining trustworthy and valuable results as to carry out the letter of the law. This has resulted in a lax enforcement of the law and incomplete returns. A fourth cause is to be traced to the presence of the spoils system in the appointment of the members, or of the secretary, of the state boards of charities. These positions often mean a comfortable berth to the hangers-on of the party in power, the position of secretary, at least, generally carrying with it a fair salary.

This, then, is the situation, and without some change in the present organization there

is little hope of improvement for some time to come. What is needed, if this country is to have criminal statistics comparable in value to those of European nations, is a reorganization which shall be, at the same time, a revivifying force. The plan for reorganization which I here submit is not radical, nor even new, since it is one already in force in another field of statistical work.

From 1850 to 1890 inclusive, much the same situation existed as regards mortality statistics. At each census, statistics of those who had died during the year preceding were collected by the enumerators at the time of the regular enumeration. The unquestioned inaccuracy of these statistics brought about a change of method in 1900.

The power to collect mortality statistics rests with the individual states and cities. Many of these had from time to time enacted provisions on this subject. Without reference to any uniform plan these inevitably differed widely in their requirements. Some few of the states and cities had succeeded in obtaining adequate results, but most of these attempts were from the beginning doomed to failure because of a disregard for the statistical principles involved.[1] All this the census office

[1] See *Special Report of the Census on Mortality* for 1900–04, p. ix, column i.

knew, and it elaborated a plan the main features of which I shall here try to state. Briefly put it was to join forces with the states to secure mortality statistics of such a nature that they would both satisfy the requirements of the state boards and organizations and at the same time give to the census office the requisite data for the compilation of mortality statistics comparable with those of other nations. Needless to say a good deal of preliminary work and study was necessary before the plan could be put into operation. Congress passed a resolution asking for the coöperation of the states in the work; and the census office, after trying to determine the reasons for failure on the part of the states and cities, worked out the details of a system which it hoped would meet with success. This included among other things a standard form for reporting details and the adoption of the international classification of the causes of death. It issued pamphlets showing exactly what must be done to procure mortality statistics of value. It also sought to secure the coöperation of all societies and organizations which it thought might be interested in the work. The state legislatures were called upon to act; and the registration area, a district comprising those states and cities which "possess records affording satisfactory data in necessary de-

tail," has during the period 1900 to 1909 grown from ten to eighteen states. It is the hope and expectation of the census office that this registration area will be gradually extended through the admittance from year to year of other states which shall have in the mean time attained the required standard of excellence in the collection of mortality statistics, either through the passing of new and better laws or the stricter enforcement of existing ones.

From the brief sketch of mortality statistics in this country which I have just given, the close analogy between the organization of mortality statistics as it existed in 1900 and the present organization of criminal statistics is, I believe, clearly apparent. The power to collect criminal statistics as well as mortality statistics resides in the individual states. Many of these states are now attempting to collect criminal statistics, and their efforts are attended with the same results as those which followed their endeavors to obtain mortality statistics. A few are meeting with success, but in many cases failure has been the sole result of many years of wearisome trial. I fail to see where the present plan of the census office offers any permanent solution of the question. It can obtain judicial criminal statistics from a few states perhaps, but the

expense must necessarily be very large,—too large to render the extension of this scheme advisable. Furthermore, it means in many states a duplication of work and a consequent economic loss of time and money. Neither does it aid in the solution of the difficulties which confront the state boards. Their reports will be based on worthless statistics, and no uniformity in the matter of presentation of facts will exist among the several states.

I believe that the plan which has been so successful in reorganizing the mortality statistics of the country would work equally well in the case of criminal statistics.[1] I have tried to show that the conditions are virtually the same, and surely the success of the plan in the one instance argues strongly for its adoption in the other. I shall not attempt here to work out the details of the plan. I have no doubt,

[1] This chapter appeared in the *Journal of the American Institute of Criminal Law and Criminology* for May, 1910, and in the September issue of the same year (pp. 429–430) will be found what seems to be a criticism by Mr. John Koren of the plan of reorganization which I have outlined in this chapter. I feel, somehow, that his own plan for a reorganization (pp. 430–431) does not differ materially from mine. I leave that, however, for others to determine. But I am, I must confess, slightly curious to know how Mr. Koren, without the aid of a classification which he manifestly deems impossible, could weld the statistics from different states "into a whole" and reduce "statements so far as need be to common terms."

however, that the method of procedure which was adopted in the case of mortality statistics would prove equally suitable to the reorganization of criminal statistics. It would certainly involve a careful study of the needs of the state boards of charities and of state officials and of the causes of their failure to obtain the statistics required. The classification of crimes ought also to be undertaken, and here coöperation with European authorities might prove very beneficial. The help of all the societies and organizations for the study of the dependent and criminal classes ought to be enlisted, and specialists called in to draft a program of work which would give the required results. This work would naturally be done by the census office since it is the only body in a position to procure the service of experts. The registration area would, of course, be small to start with, but I am of the opinion that its growth would be more rapid than that for mortality statistics has been. Since the same statistics would serve both the purpose of the states and that of the federal government there would be no duplication of work. Uniformity in the reports from the states would be secured, and the influence of the permanent census bureau ought to make for an ever increasing standard of excellence.

APPENDIX

ON THE "INCREASE OF CRIME"

So much has been said lately regarding the "increase of crime" that a few words concerning the premises of a judgment on this question may be of some interest.

At first thought, it would seem that the method of determining an increase or decrease in criminality would be analogous to that used in studying the changes in mortality. The points of resemblance between criminal and mortality statistics are many, and it is but natural to suppose that the two are susceptible of the same treatment. The fact of resemblance in some particulars, it seems to me, has quite often been responsible for the slight recognition given to the dissimilar features. It is these that I wish to touch upon.

The increase or decrease of mortality is determined by the death rate. This rate is obtained by dividing the number of deaths which occur within the year by the population as it stood at the middle of the year and multiplying the quotient by one thousand. Variations in this rate indicate an increase or decrease of mortality. This method has been quite generally used to determine the increase or decrease in criminality. A rate has been obtained by dividing the total number of crimes of a year by the population and multiplying the result by one thousand. This rate has then been compared with the rates of previous periods and judgment pronounced accordingly.

The reason that changes in mortality can be indicated by the method which has just been outlined is that the figure which represents the number of deaths is the sum of phenomena which are exactly alike in their effect on mortality, or in other words it is composed of homogeneous units. The demise of an individual may be caused by scarlet fever or by appendicitis, but from the point of view of mortality statistics the character of the event is in each case the same. Because of this fact, the ratio of deaths to population, which is what the above mentioned rate is, can well serve as an index of mortality and furnish a basis for the calculation of changes in mortality.

In the case of criminal statistics, the situation is very different. The figure which represents the total number of crimes which have occurred within the year is not made up of homogeneous units. True it is that each unit is called a crime, but here all homogeneousness ends. Each fatal disease produces a death, and a death is a phenomenon whose essential characteristics never vary. Each criminal act is called a crime, but the term crime is used to designate a great variety of acts which differ widely in all their essential characteristics. No one would claim that the criminality of a country where one hundred murders to every one thousand of population occur annually is the same as that of a country where one hundred larcenies to every one thousand of population constitute the yearly criminal record. Nor is it logical to believe that the criminality of a country where the criminal record is one hundred crimes to every one thousand of population, the crimes consisting of fifty murders and fifty robberies, is the

same as that of a country where the record is one hundred crimes to every one thousand of population, the crimes in this case including fifty assaults and fifty larcenies. Just as one would not say that the criminality of the two countries was the same, even though the criminality rate was the same, so also he would not conclude that the criminality of a country had remained stationary if the above rates were those of two periods in the history of that country. In spite of this simple truth, the arguments to prove an increase or decrease of criminality are often based on the comparison of general criminality rates. It is against just this sort of thing that I protest. It assumes that each period's contingent of crimes contains the same relative proportions of arsons, murders, larcenies, assaults, etc. The assumption is one which ought not to be made without good evidence of its truth. Proof should first be offered that this is true, and then no one would question the fitness of allowing such a rate to serve as an index by which the increase or decrease of criminality might be deduced. In case it were shown that the relative proportions of the various crimes were not the same for two periods, such an index would serve no scientific purpose.

The increase or decrease of any one particular crime is told by that particular crime rate. If all the rates for the various crimes of two periods tend to increase or to decrease, then the increase or decrease in criminality is at once manifest. If, however, some of the rates increase and some decrease all that can be said is that the character of criminality is changing. Yet the mind seems to need some sort of an index which will show the increase or decrease in criminality. If it were not

for the increasing use of the indeterminate sentence, such an index might be obtained by dividing the sum in years of all the sentences imposed during the year by the population as it stood at the middle of the year. In sentencing the prisoner, the judge rates the crime according to its effect on society, and the only figure which would be composed of homogeneous units would be this sum of the sentences. The problem of the increase or decrease of crime is one of great difficulty, and a confession of ignorance is far better than an answer based on unscientific reckoning.

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